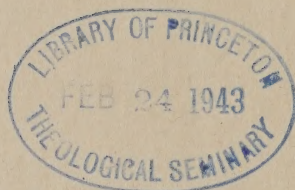


HARRY SILVERSTONE

A GUIDE TO  
THE TALMUD



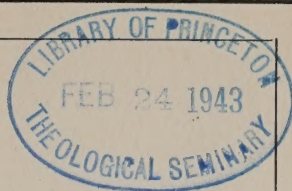


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A guide to the Talmud









# A GUIDE TO THE TALMUD

By

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Tifereth Israel Congregation  
Washington, D. C.*

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לאבי והוא רבי—

הרב ר' גדלי' סילווערסטאן שליט"א

רב טובך אשר הענקת לי

(ואין טוב אלא תורה)

הוא שעמד לי לגמור את ספרי זה

על התלמוד וחכמי התלמוד.



In the preparation of this volume I have  
been guided by the benign influence  
of my illustrious father

RABBI GEDALIA SILVERSTONE

formerly of Washington, D. C.  
and now of Rehavia, Palestine.





## *Dedication*

This volume is dedicated to the memory of  
a true Father and Mother in Israel.

ABRAHAM SIMMONS

passed away the 10th of Shebat, 1939

ANNIE SIMMONS

passed away the 8th of Ellul, 1937

Truly devoted to the religious and communal welfare of this city, their life together was a fine example of fine living and loving devotion.

The publication of this volume has been  
sponsored by their devoted sons

LOUIS, SOLOMON and HAROLD SIMMONS





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## P R E F A C E

THE object of this book "A Guide to the Talmud" is to give to the student and general reader a fair idea of the scope and philosophy of the ancient and wonderful work—the Talmud.

I hope that this book will not only aid in informing the reader of what the Talmud is, but excite an interest and love for that great encyclopedia which has recorded the thoughts of a thousand years of the national life of the Jewish people, and carefully gathered and preserved all their oral traditions with a love devout in its trust and simplicity.

The Talmud was composed to furnish food for thought, to be elucidated and commented on by successive generations, and so it is not surprising that to the modern student its meaning is often hard to determine. Still, I believe, no one can fail to admire its wide scope, its language, its poetic form, and its grasp of varied forms of human thought.

It is my sincere hope and wish that the efforts put forth in the preparation of this book may tend to promote a knowledge of that great Hebrew classic—the Talmud.

H. SILVERSTONE.





## THE TALMUD

THE TALMUD is the work of many generations and its origin may be traced back to the restoration of the Jewish commonwealth under Ezra, the historic originator of the oral law. After the return from the Babylonian captivity, Ezra attempted to restore the Jewish polity to its former state, but he found the Jewish people, although on the whole religiously inclined, yet much neglected, and consequently very ignorant. In order to bring about the necessary reformation, Ezra associated with himself some of the most eminent men of the age, as an organized college, commonly called כנסת הגדולה the "Great Synagogue," which terminated with the life of שמעון הצדיק Simeon the Just, its last surviving member, who flourished during the third century before the common era. By the zealous efforts of these enlightened men the institutes were happily reestablished, or, to use the language of the Talmud. (Yuma 2 69). דאמר ר' יהושע בן לוי למה נקרא שמן. אנשי כנסת הגדולה שהחזירו עטרה ליושנה. (יומא ס"ט, ב).

"As soon as the men of the Great Synagogue met together, they restored the law to its pristine glory." Under their influence arose a distinct order of men who devoted themselves to the work of public instruction. Bearing the name of סופרים "Soferim" or Scribes, they became the teaching clergy of the Jewish people.

The men of the great Synagogue left one maxim behind:

הוּו מתונים בדיון, והעמידו תלמידים הרבה, ועשו סיג לתורה. (אבות א).  
"Be deliberate in judgment, make many disciples, and make a hedge about the law." (Aboth I.).

The last surviving member of the Great Synagogue was Simeon the Just, whose recorded maxim was:

על שלשה דברים העולם עומד, על התורה, ועל העבודה, ועל גמילות חסדים.  
(אבות, א, ב).

"The world is based on three things—the law, temple service, and charity." (Aboth I, 2). In his maxim, Simeon the sage sums up in these three human fundamentals תורה Law, embracing the head, עבודה Temple service, the heart, and גמילות חסדים Well-doing, or the practise of charity, the hand; in other words, the world of thought, emotion and action.

With Simeon ended that class of teachers who were styled "Soferim" or Scribes, and who were followed by the "Tanaim" or teachers of the law. The Tanaim continued the work of their predecessors, the Soferim, by expounding more definitely their views and expanding the same, and the laws thus laid down, called הלכות Halachoth, constitute the content of the present Mishna, and the oldest commentaries of the Pentateuch, such as the "Mechilta" on Exodus, "Sifra" on Numbers and Deuteronomy.

The first of these Tanaim was אנטיגנוס איש סוכו Antigonus of Socho. He was a disciple of Simeon the Just. His recorded maxim was:

אל תהיו כעבדים המשמשין את הרב על מנת לקבל פרס, אלא הוו כעבדים המשמשין את הרב שלא על מנת לקבל פרס, ויהי מורא שמים עליכם.  
(אבות, א, ג.)

Be not like servants who serve their master for the sake of reward, but be like servants who serve their master without looking for a reward, and let the fear of Heaven be upon you. (Aboth I, 3.) According to Jewish tradition the maxim of Antigonus is claimed to have the origin of Saducceism.

The next teachers were יוסי בן יועזר Jose Ben Joeser and יוסי בן יוחנן Jose Ben Jochanan. That they were not the direct successors of Antigonus we infer from the reading מהם "They received the tradition from them" and not from "him." Their teaching points in the direction of increasing Rabbinical influence and protection. The first, who was of צרדה Zereda said, יהי ביתך בית ועד לחכמים, והוי מתאבק בעפר רגליהם, והוי שותה בצמא את דבריהם.  
(אבות, א, ד.)

"Let thy house be a meeting place for the wise, dust thy self with the dust of their feet, and eagerly drink in their words." Aboth 1.) The second, who was of ירושלים Jerusalem, said: ואל ביתך פתוח לרוחה, ויהיו עניים בני ביתך, ואל תרבה שיחה אם האשה, באשתו אמרו, קל וחומר באשת חברו, מכאן אמרו חכמים, כל המרבה שיחה אם האשה גורם רעה לעצמו, ובוטל מדברי תורה, וסופו יורש גיהנם. (אבות, א, ה).

"Let thy house be wide open, and let the poor be members of thy household. Do not multiply speech with a woman. If this applies to one's own wife, how much more to that of another man? Hence the sages say, that the man who multiplies speech with a woman bringeth evil upon himself, swerves from the word of the law, and will finally inherit destruction. (Aboth I, 5.) Both these teachers were held in great esteem, and at their decease it was said, "Those in whom every excellence was found had now departed." (Talmud Sotah 47, 1).

משמת יוסי בן יעוזר איש צרידה, ויוסי בן יוחנן איש ירושלים בטלו האשכולות. (סוטה, מ"ז, א).

To them succeeded Joshua Ben Perachia יהושע בן פרחיה and Nithai of Arbela. Nithai of Arbela. The recorded maxim of the former is: עשה לך רב, וקנה לך חבר, והוי דן את כל האדם לכהן זכות. (אבות, א, ו).

"Procure for thyself a teacher, gain to thyself a friend, and judge all men charitably." (Aboth I, 6). That of the latter is: הרחק משבן רע, ואל תתחבר לרשע, ועל תתיאש מן הפורענות. (אבות, א, ז).

"Keep aloof from a wicked neighbor, have no fellowship with sinners, and reject not the belief in retribution. (Aboth I, 7.)

As next teachers we mention Judah ben Tabbaï and Simeon ben Shotach. Simeon ben Shotach. The latter was a brother-in-law of King Alexander Jannaeus, and when at one time a persecution ensued against the then dominant spiritual leaders of the people, Simeon escaped to Egypt, where he joined his former teacher Joshua. Through the influence of his sister, the queen,



Simeon was soon recalled, and having received pardon for his friend and teacher, Simeon communicated the intelligence to Joshua, who soon returned. Tabbai's maxim was: אל תעש עצמך כעורכי הדינין, וכשיהיו בעלי הדין עומדים לפניך יהיו בעיניך כרשעים וכנפטרם מלפניך, יהיו בעיניך כזכאין, כשקבלו עליהם את הדין. (אבות, א, ח).

"Act not the counsel's part. When parties are before thee, regard them as transgressors of the law, but regard them as innocent immediately after they are dismissed, and have suffered the penalty of the law. (Aboth I, 8). That of Simeon was: הוי מרבה לחקור את העדים, והוי זהיר בדברך, שמא מתוכם ילמדו לשקר. (אבות, א, ט).

"Be extremely careful in examining witnesses and beware lest from thy mode of questioning they should learn how to give false testimony." (Aboth I, 9.) He was the first who inaugurated a complete system of education, throughout the country. Under his influence for the first time, schools were established in every large provincial town, and all boys from six years and upwards were compelled to attend them.

The next famous teachers were שמעיה ואבטליון Shemaiah and Abtallion. The recorded maxim of the first (Shemaiah) is: אהב את המלכה, ושנא את הרבנות, ואל תתורע לרשות. (אבות, א, י).

"Love a trade, hate lordship, and do not obtrude thyself upon the powers that be," (Aboth I, 10.), and of the latter (Abtallion) is, חכמים הזהרו בדבריהם, שמא תחובו חובת גלות, ותגלו למקום מים הרעים, וישתו התלמידים הבאים אחריכם וימותו, ונמצא שם שמים מתחלל. (אבות, א, י"א).

"Ye sages, be on your guard with respect to your words, lest ye become amenable to captivity, and be exiled to a place of evil waters, and the disciples who come after you may drink of the same and die, whereby the name of God would be blasphemed." (Aboth I, 11.)

On the death of these two teachers there were no qualified successors to take their place, and two sons of Bethera, otherwise unknown, occupied it for a time.

They were discussing the question whether the Paschal lamb might be killed on the Sabbath. In their perplexity they asked: "Was there none present who had been a disciple of the two who have been so honored?" (viz, Shemaiah and Abtallion.) The question was answered by Hillel, the Babylonian. He solved the difficulty with reason from analogy, from the text and from the context. They refused his decision until he ended by saying, "Thus I have heard from my masters Shemaiah and Abtallion."

This was decisive. Having been regarded as a stranger from Babylon, he was now welcomed as chief. "Whose fault was it," he said, "that you had recourse to a Babylonian? You have not paid due attention to Shemaiah and Abtallion, the two great men of the age, who were with you all the time." His presidency in the Sanhedrin is given as about one hundred years before the destruction of Jerusalem. (Sabbath 15,1). והתניא הלל ושמעון, גמליאל ושמעון נהגו נשיאותן בפני הבית מאה שנה. (שבת ט"ו, א).

## THE MISHNA AND GEMARA

THE TALMUD is the authoritative code of Hebrew doctrine and jurisprudence. It is derived from *lamad* לָמַד "to teach." It is composed of two distinct parts; the Mishna מִשְׁנָה the text, and the Gemara, גְּמָרָא, the commentary upon the text.

The word Mishna means "repetition" and the word Gemara is an Aramaic word meaning "completion" from *Gamar*, גָּמַר to make perfect.

The scholars who delivered these decisive commentaries are called Gemarists or Amoraim.

Talmud is a term that signified first, a method, before it became the name of a book. The Mishna contains little of discussion or argumentation. It is, in the majority of cases, content to state a point of law in the form of a simple statement, without in the least indicating the process by which the law was evolved.

The Talmudic method is principally concerned with retracing the law, as stated in the Mishna, to its source, which it is assumed, sometimes wrongly, must be found in the Scripture. There is not a sentence in the Mishna which escapes the notice of the expounder, the reason of every remark must be established.

מֵאֵי הֵיכָל מֵיכָל contr., מֵאֵי הֵיכָל "Wherefrom? מֵאֵי הֵיכָל contr. Whence all this?" is a constant query. If the origin is found in the Scripture, the exegesis of the Bible is quite often forced, unnatural. Much may be ascribed to the love of casuistry and mental gymnastics.

The text of the Mishna itself often presents difficulties. Then the Mishna is not the work of one hand. Its several parts are welded together as a rule very adroitly, yet occasionally in a manner to create ambiguities. It is the business of the Talmudic method to remove these difficulties.



The language of the Talmud is partly Hebrew and partly Aramaic. Many forms of the Talmudic dialect are so peculiar and difficult, ordinary Hebrew grammar will not take a person through a page of it.

The Mishna, which is a code of laws embracing the civic and religious life of the Jew, is remarkable in style for its extreme conciseness and the Gemara is written upon the same model, though frequently not so concise.

The Talmud is composed of two separate parts, the Mishna מִשְׁנָה the text. The word Mishna is from the root שָׁנָה "Shono" and like the Aramaic תָּנָא "Tono", means both to repeat, teach and learn. And the other part is the Gemara which is the commentary upon the text. The word Gemara is from the root גָּמַר "Gamar" means to finish or to complete, the work of the Prince.

The language of the Mishna is the purest Hebrew, and in spite of the mass of subjects treated, its style is uniform and terse. The Rabbis liked to express their thoughts in short, half-enigmatic phrases. Parable and proverb were the common form of Jewish speech. That it left room for study to the listener, and called forth his mental activity before its meaning could be clear, was regarded as a gain rather than a loss, and was composed according to this idea.

The Mishna, which was the work of generations of Rabbis, received its final redaction at the hands of Rabbi Jehuda, the Prince רַבִּי יְהוּדָה הַנָּשִׂיא toward the end of the Second Century. Rabbi Jehuda arranged the Mishna under six general classes called סְדָרִים "Sedarim" or "Orders."

Rabbi Jehuda's Mishna, however, did not contain all expositions. Many others existed which are contained in part in the "Sifre" סְפָרִי on Leviticus, "Sifra" סְפָרָא on Numbers and Deuteronomy, "Mechilta" מְכִילְתָּא on Exodus.

The Mishna was made by individual teachers for the use of their pupils with the addition of the official Mishna collected by Rabbi Chiya and his contemporaries.

All the Hallachoth הלכות of this sort which were extra Mishnaic were called Boraithoth ברייתות also Tosefotot תוספות

Rabbi Jehuda, it is true, collected the great mass of traditions in the work called Mishna, but even this copious work could not satisfy, for the length of time, the zeal of the Rabbis for the law, for all casuistry is endless in its details.

There were a great multitude of all kinds of possibilities, diverse doubts and considerations not yet finished. Thus it was an inner necessity of the matter that the text of the Mishna should again become the point of learned discussion. Partly by means of logic, partly with the help of the traditional matter, which had not yet been included in the Mishna, all open questions were now discussed. This task was carried out by the Amoraim or Gemarical doctors, commentators, who expounded the Mishna.

The name Amoraim is derived from the root Amar, אמר which originally means to say, but later acquired the meaning to comment and to interpret. The interpretations, illustrations, opinions and doctrines of these Amoraim, were subsequently to form the Gemaras, i. e. Palestinian and Babylonian.

Each Seder סדר order being divided into a number of tractates or treatises called "Massichtoth" מסכתות and these again sub-divided into "Perakim פרקים chapters, and each chapter again into Mishniot. The whole is called Shas שס the initial letters of Shishah Sedarim, six orders or series of these orders. The initials of the six names yield the mnemonic term ז'מ'ן נ'ק'ט' Zeman Nakat, which means "a time accepted."

## THE SIX DIVISIONS OF THE MISHNA

THE Mishna is divided in the following sections:

Seeds זרעים, Feasts מועד, Women נשים, Injuries נזיקין, Consecraions קדשים, Purifications טהרות.

The first relating to the products of the earth, as forming the staple sustenance of human life, is called "Zeraim" זרעים "Seeds."

The second referring to seasons and festivals involving the religious observance of years and days, feasts and festivals, is called Moed מועד "Festival Solemnity."

The third, dealing with the institution of marriage, which lies at the basis of the system of human society, is called "Nashim" נשים "Women."

The fourth, referring to civil controversies, treats of the rights of persons and things, and is called "Nezikin" נזיקין "Injuries."

The fifth comprises laws and regulations concerning the service and worship of God, upon the Levitical ritual or things sacred, and is called "Kodoshim" קדשים "Consecrations."

The sixth exhibits the prescriptions requisite to the maintenance or recovery of personal purity according to the Levitican ideas and is called Taharoth טהרות "Purifications."



## ANALYSIS OF THE CONTENTS OF EACH TRACTATE OF THE SIX ORDERS

### I.—SEDER ZERA'IM

זרעים

#### “SEEDS”

Contains the following eleven tractates:

1. Berachoth	ברכות	Blessings ———	contains 9 chapters
2. Peah	פאה	Corner of field — “	8 “
3. Demai	דמאי	Doubtful — — — “	7 “
4. Kilayim	כלאים	Mixtures — — — “	9 “
5. Sheviith	שביעית	The Sabbatical	
		Year — — — “	10 “
6. Terumoth	תרומות	Oblations — — — “	10 “
7. Maaseroth	מעשרות	Tithe — — — — “	5 “
8. Maaser			
	Sheni מעשר שני	Second Tithe — “	5 “
9. Challah	חלה	Dough — — — — “	4 “
10. Orlah	ערלה	Prepuce — — — — “	3 “
11. Bikkurim	בכורים	First Fruits ———	“ 11 “

1. BERACHOTH (ברכות) the treatise of blessings, speaks of the daily prayers and thanksgivings, etc.

(a) The first chapter treats of the time when the Shema-prayer is to be recited in the morning and evening, of the position of the body at prayers, and the benedictions to be said respectively (5 sections).

(b) The second speaks of the sections and order of the Shema-prayer, or how the voice is to be used in saying the prayer. (8 sections).

(c) The third points out such as are exempted from prayer. (6 sections).

(d) The fourth tells of the time during which prayer may be said, whether the שמונה עשרה 18 benedictions, which are said in an abbreviated manner, of praying in dangerous places, and the additional prayer. (7 sections).

- (e) The fifth refers to the outer and inner position in prayer, of prayer for rain, of the prayer on Sabbath evening, of the cantor, of the congregation, and mistakes in prayer. (5 sections).
- (f) The sixth recites the various blessings to be said for fruits of the tree and the earth, wine and bread, for the blessing of the main meals. (8 sections).
- (g) The seventh expiates on blessings pronounced conjointly, with whom a union for such purpose may be entered upon, the form of prayer to be used in accordance with the number of persons of different companies. (5 sections).
- (h) The eighth shows the difference between the schools of Hillel הלל and Shammai שמאי concerning the washing of the hands and the blessing at meals. (8 sections).
- (i) The ninth names the different prayers to be said at beholding the signs and wonders, at the building of a new house, and treats of prayers offered in vain, of prayers on the leaving and going into a city, of the praising of God for the good as well as for the evil; how to approach the Temple mountain, of the using of the name of God at salutations. (5 sections).

II. PEAH פאה or the corner of the field, treats in eight chapters, of the field corners, gleanings to be left to the poor, etc.

- (a) The first chapter points out the measure of the Peah, where, of what, and how large it must be given, and how long the fruit is exempted from tithe מעשר (6 sections).
- (b) The second treats of how fields and trees as to the Peah may be separated from each other. (3 sections).
- (c) Tells us how large a field must be of which Peah must be given. (11 sections).

- (d) Shows how the Peah must be given (11 sections).
- (e) Tells what belongs to the poor, and treats of the bunch left through forgetfulness. (8 sections).
- (f) Speaks of what may be regarded as a bunch left through forgetfulness and what not. (11 sections).
- (g) Treats of same matter concerning olive trees; on the right of the poor in the vineyard. (8 sections).
- (h) Speaks of how long the right of the poor lasts; what constitutes the poor, and who is not entitled to the right of the poor. (9 sections).

III. DEMAI דמאי or uncertain. Treats in seven chapters of fruits about which some doubts may be raised whether tithes should be paid for them or not, viz:

- (a) Which fruits are exempted from the rights of Demai, how the Demai tithe differs from other tithes, and as to the rights of Demai fruits. (4 sections).
- (b) Who may be regarded a strict Israelite, and to whom the performance of the Demai law belongs at buying and selling.
- (c) Who may reserve Demai for eating, and that nothing should be given away untithed. (6 sections).
- (d) How a man may be believed concerning the tithes. (7 sections). How the tithe is to be given from Demai. (11 sections).
- (e) What to do at the renting of a field, at the pressing in company; and of the fruits in Syria. (12 sections).
- (f) How to act with such as are not believed concerning the tithes; how to separate the tithes in various cases; and what must be taken into account when tithed and untithed fruits are mixed up. (8 sections).



IV. KILAYIM כִּלְאִים or mixtures. Treats in nine chapters of the prohibited mingling of fruit and grain crops on the same field, also of the prohibited mixtures in plants, animals and garments, according to Leviticus XIX 9.10 and Deuteronomy XXIV, viz:

- (a) What kinds of fruits, trees, and animals are Killayim, and how to graft and plant. (9 sections).
- (b) What to do when two kinds of seed are mixed, or in case of sowing another kind on a field already sown, or in case of making beds of different corn in one field. (11 sections).
- (c) Of beds, their division; of cabbage and its distance. (7 sections).
- (d) and (e) Of vineyards and their Killayim. (9 and 10 sections).
- (f) Of the rights of vine raised on an espalier. (9 sections).
- (g) Of the layering of vines, spreading of vines, etc. (8 sections).
- (h) In how far Kilayim are forbidden among animals in yoking together as well as in copulating, and what to do with animals of inferior quality or breed. (6 sections).
- (i) Of the prohibited mixtures or Kilayim in garments, especially of the mixture of wool and flax; of clothing — merchants and tailors: of felt and woven letters, etc. (10 sections).

V. SHEVI'ITH שְׁבִיעִית or the Sabbatical year, according to Exodus, XXIII; 11, Leviticus XXV, 2-7 Deuteronomy XV, I-II. Treats in ten chapters.

- (a) Of fields with trees, and how long they may be cultivated in the sixth year. (8 sections).
- (b) Of open fields, and what may be done in them till the beginning of the seventh year (10 sections).
- (c) Of manuring the field; of breaking stones and pulling down walls. (10 sections).

- (d) Of cutting and pruning trees; from what time on it is permitted to cut of the fruits of the seventh year which have been grown by themselves. (10 sections).
- (e) Concerning the white fig and summer onions; which farm utensils cannot be sold or lent (9 sections).
- (f) Of the difference of countries concerning the seventh year, and what fruits cannot be taken outside of the country. (6 sections).
- (g) What things are subject to the right of the seventh year. (7 sections).
- (h) What use may be made of fruits which have grown by themselves; what must be observed at their sale and the proceeds thereof; how they are to be gathered. (11 sections).
- (i) Of the fruits which may be bought, and of storing away the preserved fruits. (9 sections).
- (j) Of the remittance of debts. (9 sections).

VI. TERUMOTH תרומות or Oblations, relates in eleven chapters, to the heave offering.

- (a) What persons can give the Terumoth, and of which fruits; and of giving the Terumoth according to number, measure and weight. (10 sections).
- (b) The Terumoth cannot be given from the pure for the impure; of distinguishing whether something was done purposely or by mistake; and that one kind of fruit can supply the Terumoth of another. (6 sections).
- (c) In which cases the Terumoth must be given a second time; how to determine the Terumah. (9 sections).
- (d and e) Of the quantity of the large Terumah; in medumma (i. e. is to be given entirely as Terumah), in spite of having been mixed with Terumah. (13 and 9 sections).

- (f) Of the restitution of the Terumah, when a person eats thereof by mistake. (5 sections).
- (g) When a person eats thereof with intention. (7 sections).
- (h) Of the cure that Terumah gets, neither unclean nor poisoned. (12 sections).
- (i) What is to be done in case Terumah has been sown. (7 sections).
- (j) How common fruits by the mere taste can become Terumah fruit. (12 sections).
- (k) How the oil of Terumah cannot be burned, when the priest cannot enjoy its light. (10 sections).

VII. MASSEROTH מעשרות or Tithes, due to the Levites, in five chapters;

- (a) Of the kinds of fruits subject to tithes, and from what time on they are due. (8 sections).
- (b) Of exceptions. (8 sections).
- (c) Where fruits become tithable. (10 sections).
- (d) Of preserving, picking out, and other cases exempted from tithes. (6 sections).
- (e) Of removing of plants, of buying and selling of wine and seed that cannot be tithed. (8 sections).

VIII. MAASER SHENI מעשר שני or Second Tithe:

- (a) That this tenth cannot be disposed of in the ordinary way. (7 sections).
- (b) Only things necessary for eating, drinking, and anointing, can be bought for the money of the tenth; what to do when tenth money must be exchanged. (10 sections).
- (c) Fruits of the second tenth, while once in Jerusalem, cannot be taken out again. (13 sections).



- (d) What must be observed at the price of the tenth, and how money and that which is found must be regarded. (12 sections).
- (e) Of a vineyard in its fourth year, the fruits of which are equally regarded as the fruits of the second tenth; or how the "biur" or taking away of the tenth is performed in a solemn manner according to Deut. XXVI. (15 sections).

IX. CHALLAH חלה or Dough, refers to the cake which the women were required to bring of kneaded dough to the priest, in four chapters:

- (a) Which fruits are subject to Challah. (9 sections).
- (b and c) Of special cases which need a more precise definition concerning Challah, and of the quantity of meal and its challah. (8 and 10 sections).
- (d) Of counting together of different fruits, and the different rights of countries concerning challah. (11 sections).

X. ORLAH ערלה the forbidden fruits of the trees in Palestine during the first three years of their growth, in three chapters:

- (a) Which trees are subject to the law of Orlah and which not. (9 sections).
- (b) What to do in case of fruits of Orlah and Kilayim being mixed with other fruits; of the law concerning leaves, spices, and meal; what to do in case of holy and unholy, or חולין chullin, having been mixed up. (17 sections).
- (c) How the same law also concerns colors for dyeing purposes, and the fire used for cooking; and what is to be observed concerning the differences of countries. (9 sections).

XI. BIKURIM בכורים or First Fruits, in four chapters:

- (a) Who is not entitled to offer the first fruits, or who can offer them without observing the formula

prescribed (Deut. XXVI, 3); of what and when they are to be offered or repaid. (11 sections).

- (b) Of the difference of the first fruits of Terumah תרומה and the Second Tenth מעשר שני especially of the pomegranate at the Feast of Tabernacles; of blood of men and of the animal Coi, which must be distinguished from all animals. (11 sections).
- (c) Of the ceremonies to be observed at bringing the first fruits to Jerusalem and their rights. (12 sections).
- (d) Of the hermaphrodite (5 sections). This chapter is Boraitha ברייתא or addition to the second chapter, and is wanting where only the Mishna משנה is printed.

## II.—SEDER MOED

סדר מועד

### FESTIVE SOLEMNITY

This Seder is one of the most interesting, consists of twelve tractates.

XII. SABBATH שבת containing twenty-four chapters, treats of the laws relating to the Sabbath, with respect to lights and oil used on that day, ovens in which articles of food were warmed for the Sabbath, and the dress of men and women used on the same day. It also enumerates thirty-nine kinds of work, by each of which separately, the guilt of Sabbath-breaking may be incurred. It treats of the differences between the schools of Hillel הלל and Shamai שמאי etc., viz:

- (a) Of removals on the Sabbath day; work to be avoided; discussion between the schools of Hillel and Shamai as to what constitutes work; work allowed. (11 sections).
- (b) Of the lighting of a lamp; eve of the Sabbath. (7 sections). This chapter forms a part of the prayers prescribed for Sabbath eve.

- (c) Of different ovens, and preparing and warming the meat on Sabbath; of pails for retention of the dripping oil or sparks of the lamps. (8 sections).
- (d) Of things to cover up the pots. (2 sections).
- (e) With what a beast is led forth or covered, especially a camel. (4 sections).
- (f) With what men and women may go out or not go out on the Sabbath; of various styles; of pinning the veil; of ribbons, etc. (10 sections).
- (g) Of how many sin offerings a man may be responsible for under certain circumstances for ignorantly trespassing against the Sabbath; the thirty-nine kinds of forbidden work; rule and measure for things the carrying of which make one liable to a sin offering. (4 sections).
- (h) Of the measure of fluids; of cords, bulrushes, paper, and all possible portable things. (7 sections).
- (i) Of things the carrying of which makes one unclean and of the measure of the portable things on the Sabbath day. (7 sections).
- (j) Of different kinds of portable things, of carrying living or dead men, and of many other things. (6 sections).
- (k) Of throwing over the street, ditch and rock, river and land, of the distance how far it can be thrown and the presumable error. (6 sections).
- (l) Of building, hammering, planing, boring, ploughing, gathering wood, pruning, picking up, writing. (6 sections).
- (m) Of weaving, sewing, cutting, washing, beating, catching game, etc. (7 sections).
- (n and o) Of catching game; of making salt water, of forbidden medicines, toothache, and pains in the loins; of folding garments and making the beds. (3 sections).



- (p) Of saving things out of a conflagration, of extinguishing and covering, etc. (8 sections).
- (q) Of vessels which may be moved on the Sabbath. (8 sections).
- (r) What things may be moved for making room; of hens, calves, donkeys; of leading the child of an animal that calves, a woman that is to be delivered; and of a child. (3 sections).
- (s) Of circumcision on the Sabbath. (6 sections).
- (t) Of straining of wine; of fodder, of cleansing the crib, of straw on the beds and clothes-press. (5 sections).
- (u) Of things permitted to be carried; of cleansing a pillow, the table, of picking up the crumbs, and of sponges. (3 sections).
- (v) Of casks, cisterns, bathing-clothes, salves, etc.; of emetics, of setting a limb or a rupture. (6 sections).
- (w) Of borrowing; of counting from a book, drawing lots, hiring laborers; of waiting at the end of Sabbath-way, of mourning, pipes, coffin and grave which a heathen has dug, what may be done to the dead. (5 sections).
- (x) Of one who is overtaken by the dusk on the road, of feeding the animals, of pumpkins and carion, of several things permitted on the Sabbath. (5 sections).

XIII. ERUBIN עֲרֻבִין or mingling, in ten chapters, deals with those ceremonies by which the Sabbath boundary was extended; "mingling" a whole town into one fictitious yard, so that carrying within the yard should not be unlawful.

- (a) and (b) Concerning the entry into an alley and enclosures. (10 and 6 sections).
- (c) Concerning a holy day or a Friday. (9 sections).

- (d) Concerning the stepping beyond the Sabbath limit. (11 sections).
- (e) Concerning the enlarging of the bounds of a city. (9 sections).
- (f and g) Concerning the neighborhood. (10 and 11 sections).
- (h) Concerning what may be in a yard. (11 sections).
- (i) Concerning roofs, etc. (4 sections).
- (j) Concerning some different Sabbath laws. (15 sections).

XIV. PESACHIM פסחים in ten chapters, treats of laws relating to the feast of Passover, and the paschal lamb.

- (a, b and c) Of searching for leaven חמץ how to put it away; of the Matzoh מצה Passover-cake, and the herbs for the bitter herbs; of the care to avoid leaven. (7, 8 and 9 sections).
- (d) Of the work on the day before Passover, and what kind of work is permitted. (9 sections).
- (e) When and how to kill the Paschal lamb; of cleaning and skinning the same, and how it becomes disallowed. (10 sections).
- (f) How the Passover abrogates the command against work on the Sabbath; of the offering of festival sacrifices; of a sacrifice having been changed with another. (6 sections).
- (g and h) Of roasting the lamb, how it becomes unclean; what to do with the remaining parts; what persons are allowed to eat it and what are not; of companies. (13 and 8 sections).
- (i) Of the second Passover פסח שני of the Passover in Egypt; and various cases when Paschal lambs have been exchanged. (11 sections).
- (j) Of the order of the Passover-meal after the four cups of wine ארבע כוסות which are necessary for it. (9 sections).

XV. SHEKALIM שקלים or Shekels, in eight chapters, contains laws relating to the half shekel מחצית השקל which was paid for the support of public worship. According to Exodus, XXX, 12-16, every Israelite had to pay a Temple tax.

- (a-d) How the money changers take their seat at the money tables on the 15th of Adar, where the people exchange their money; of changing and of coins used in former times, of the remaining money; how the paid shekels may be taken again from the treasury; how they are to be spent, and what to do with the balance. (7, 5, 4 and 9 sections).
- (e) Of the offices of the Sanctuary, and of the seals. (6 sections).
- (f) How often the number thirteen occurred in the Sanctuary. (6 sections).
- (g) Of money and other things which are found when it is doubtful to whom they belong. (7 section).
- (h) Of other dubious things, resolution that the shekel and firstlings have ceased with the Temple. (8 sections).

XVI. YOMA יומא of the Day of Atonement, in eight chapters, according to Leviticus, XVI, 3-34, speaks:

- (a) Of the preparations of the high priest. כהן גדול (8 sections).
- (b) Of casting lots, and the offerings. (7 sections).
- (c) Of the beginning of the Day of Atonement יום כיפור of bathing, washing, and dressing the High Priest, and of presenting the bullocks and goats. (11 sections).
- (d) Of casting the lots upon the goats, and the confession. (6 sections).
- (e) What was to be done in the Holy of Holies. (7 sections).



- (f) Of sending forth the goat. (8 sections).
- (g) What the high priest was meanwhile to do, and until the end of the service at night. (5 sections).
- (h) Of the privileges of fasting, how man is forgiven, and how he is not forgiven. (9 sections).

XVII. SUKKAH סוכה or the Feast of Tabernacles, in five chapters, according to Leviticus, XXIII-34-36.

- (a and b) Of the size and covering of the Sukkah, how often meals shall be eaten in it; exemptions. (11 and 9 sections).
- (c and d) Of the palm branches לולבים, myrtle, boughs ערבות, willows הדסים, citrons אֶתְרוּגִּים; what constitutes their fitness, and what not, how to tie and shake them, how many days these ceremonies last, of the pouring out of the water נִסּוּךְ הַמַּיִם (15 and 10 sections).
- (e) Of the rejoicings; how to divide the offerings and shew-bread on this festival among the orders of the priests. (8 sections).

XVIII. YOM TOV יום טוב i. e., Festival Day, or as it is generally called Betzah ביצה i. e., the egg, from the word with which it commences, containing 5 chapters.

- (a) Whether an egg laid on the festival day may be eaten thereon. On this question the schools of Shammai and Hillel are divided, the former decides in the affirmative, the latter in the negative. (10 sections).
- (b) Of connecting the meals on the Sabbath and other subsequent holy days. (9 sections).
- (c) Enumeration and precise definition of classes of things which cannot be done on a feast-day, still less on a Sabbath day. (7 sections).

XIX. ROSH HA-SHANAH ראש השנה or New Year, treats in four chapters of the feast of New Year.

- (a) Of the four New Years. (9 sections).
- (b-c) Of examining witnesses who witnessed the new moon, and of announcing it on the top of the mountains by fire, and the New Year with comets. (9 and 8 sections).
- (d) What to do in case the New Year falls on the Sabbath and of the order of service on the New Year. (9 sections).

XX. TAANITH תענית or Fasting, in four chapters.

- (a) Of prayer for rain, and proclamation of fasting in case the rain does not come in due season. (7 sections).
- (b) Of the Ceremonies and prayers on the great fast-days. (10 sections).
- (c) Of other occasions of fasting, of not blowing alarms; when to cease fasting in case it does rain. (9 sections).
- (d) Of the twenty-four delegates; their fastings, lessons; of bringing wood for the altar. (8 sections).

XXI. MEGILLAH מגילה or the Scroll of the Book of Esther, which is to be read on the Feast of Purim, in four chapters.

- (a) Of the days in which the Megillah is read. (11 sections).
- (b) How to read the Megillah, what can only be done by day, and what can be done by night, of the sale of holy things; of the lessons for the Sabbaths during the month of Adar, and for other festivals. (6 sections).
- (c) Of the persons required for the lessons; of passages to be read or not, etc. (10 sections).

XXII. MOED KATON מועד קטן or Minor Holiday, in three chapters, treats of the half holy days or minor feasts, between the first and the last day of Passover, and of the Feast of Tabernacles, and of the work to be done or not. (10, 5 and 9 sections).

XXIII. CHAGIGA חגיגה or Feast Offering, according to Deut. XVI 16:17, in three chapters, speaks of the private voluntary sacrifices on the three days of the feasts of pilgrimage, and of sundry ordinances having no direct connection with the subject indicated by the titles of the treatise. (8, 7 and 8 sections, respectively).

### III.—SEDER NASHIM

סדר נשים

WOMEN

This Seder is composed of seven treatises.

XXIV. YEBAMOTH יבמות enters into the Jewish precept of Yibbum, or the obligation of marrying the childless widow of a brother, with the alternative of the performance of the Chalitzah חליצה or removal of the shoe of the recalcitrant, referred to in the book of Ruth. It contains 16 chapters, in 123 sections.

XXV. KETHUBOTH כתובות in thirteen chapters, contains the laws relating to marriage contracts, to conjugal duties. (105 sections).

XXVI. NEDARIM נדרים or Vows, treats of vows and their annulment, with reference to Numbers XXX, 3-16. (89 sections).

XXVIII. NAZIR נזיר treats of the laws concerning the Nazarite, with reference to Numbers, XI, 2-21. (60 sections).

XXVIII. SOTAH סוטה or the Erring Woman, according to Numbers, V, 12-31. (63 sections).



XXIX. GITTIN גיטין or Divorce Bills, in nine chapters, treats of divorce, and the writing given to the wife, on that occasion. How it must be written, etc., according to Deut. XXIV, 1-5. (76 sections).

XXX. KIDDUSHIN קדושין or Betrothals, in four chapters, with 47 sections.

#### IV.—SEDER NEZIKIN

סדר נזיקין

#### DAMAGES

This Seder contains ten tractates.

XXXI. BABA KAMA בבא קמא or First Gate, so called because in the East, Law is often administered in the gateway of a city, it treats in ten chapters (79 sections), of Damages and Injuries and their remedies with reference to Exodus, XXI, 28-27; XXII, 1-7.

XXXII. BABA METZIA בבא מציעא or Middle Gate, treats of claims resulting from trust, with reference to Exodus, XXII, 6-14, buying and selling, etc.

XXXIII. BABA BATHRA בבא בתרא or Last Gate, treats in ten chapters (90 sections) of the partition of immovables, laws of tenantry, joint tenants, and rights of common, of inheritance, division of property according to Numbers XXVII, 7-11.

XXXIV. SANHEDRIN סנהדרין or courts of justice, in eleven chapters (71 sections) treats of the three tribunals of A—at least three persons; B—the small Sanhedrin of 23 persons; and C—the great Sanhedrin of 71 persons; of the privileges of the high priest and king; of judges and witnesses, of capital punishment.

XXXV. MAKKOTH מכות or stripes, treats in three chapters (34 sections) of corporal punishments.

XXXVI. SHEBUOTH שבועות or Oaths, in eight chapters (62 sections) treats of the different kinds of oaths, with reference to Leviticus V, 4-5-21-29 and Exodus, XXII, 6-10.

XXXVII. EDUYOTH עדיות or Testimonies. It is so called because it consists of traditional laws and decisions which trustworthy teachers attested to have been adopted by the elder teachers; in Sanhedrin assembled; in eight chapters (74 sections).

XXXVIII. ABODA ZORA עבודה זרה or Idolatry, treats of laws concerning idols and the relation to the worshippers thereof, in five chapters (50 sections).

XXXIX. ABOTH אבות or Fathers, contains in six chapters (105 sections) the ethical maxims and sayings of the fathers of the Mishna.

XL. HORAYOTH הוריות or Decisions, treats in three chapters (20 sections), of mistakes in judges' decisions, of the matter of pronouncing sentence, and other matters relating to judges and their functions; of prerogatives of the high priest before a common priest, of the learned before the unlearned, with reference to Leviticus, chapters IV and V.

## V.—SEDER KODOSHIM

סדר קדשים

### OR CONSECRATIONS

This Seder contains eleven tractafes.

XLI. ZEBACHIM זבחים or Sacrifices, treats in fourteen chapters (101 sections) of sacrifices, sprinkling of their blood, place of the altar where every sacrifice has to be offered, etc., with reference to the first chapters of Leviticus.

XLII. MENACHOTH מנחות Mincha Offerings, treats in thirteen chapters (93 sections) of meal, meat and drink offerings, and things pertaining to them, with reference to Leviticus, Ch. 11.

XLIII. CHULLIN חולין or Unconsecrated Things, are treated in 12 chapters (74 sections) together with other things, as what animals are unlawful, or the pollution communicated by an unlawful animal, the manner of slaughtering animals, etc.

XLIV. BECHOROTH בכורות or First Born, treats in nine chapters (73 sections) of the laws concerning the first born of man and animals, and the precepts and laws concerning them, according to Exodus XIII, 12, 13, and Numbers, XVIII, 15-17.

XLV. Erachin ערבין or Estimates, treats in nine chapters (49 sections) of the manner in which persons or things dedicated to the Lord by a vow are estimated, in order to be redeemed, according to Leviticus XXXII, 2-27.

XLVI. Temura תמורה or Exchange, in seven chapters (35 sections), treats of the way exchanges of sacred things are to be offered, according to Leviticus, XXVII, 10-27.

XLVII. Kerithuth כריתות or Excisions, in seven chapters, (43 sections), treats of offenders being cut off from the Lord, provided the offenses were wantonly committed, but if inadvertently committed entail the obligation to bring sin offerings, according to Leviticus, XXVII, 10-27.

XLVIII. Meila מעילה or Trespass, treats in six chapters (38 sections), of things partaking of the name of the sacrilege, according to Leviticus, V, 15-16.

- XLIV. Tamid תמיד or Daily Sacrifice, in seven chapters (34 sections), treats of the morning and evening offerings and the work connected with them, according to Exodus, XXIX, 38-4 and Numbers XXVIII, 2-8.
- L. Middoth מדות or Measurements in five chapters (34 sections), treats of the measurements of the Temple, its different parts and courts, the description of the service, of the priestly guards in the Temple.
- LI. Kennim קנים or Birds' Nests, treats in three chapters (15 sections) of the mistakes about doves and beasts brought into the Temple for sacrifice, the offering of the poor, according to Leviticus, 1, 14, V, 7, XII, 8.

## VI. SEDER TAHAROTH

סדר טהרות

### PURIFICATIONS

This order has twelve tractates

- LII. Kelim כלים or Vessels, in thirty chapters (254 sections) treats of those vessels which convey uncleanness, according to Leviticus, XI, 33-35.
- LIII. Ohaloth אהליות or Tents, in eighteen chapters (134 sections) treats of tents and houses retaining uncleanness, according to Numbers, XIX, 14-15.
- LIV. Negaim נגעים or Plagues of Leprosy, in 14 chapters (115 sections) treats of leprosy of men, garments or dwellings, according to Leviticus, XIII and XIV.
- LV. Parah פרה or the Red Heifer, in twelve chapters (95 sections) directs how the Heifer is to be burned, of her age, and what may make her unfit, etc., according to Numbers XIX.



- LVI. Taharoth טהרות or Purifications, in ten chapters (92 sections) teaches how purifications are to be effected, with reference to Leviticus, XI, 24-28.
- LVII. Mikvoath מקואות or Pools of Water, in ten chapters, (71 sections) treats of the Mikvah or bathing place, its construction and the quantity of water necessary for cleansing; or when a Mikvah becomes unfit for bathing, that is ritual purifications, etc.
- LVIII. Nidda נדה or Separation of women during their menses, after childbirth, according to Leviticus, XV, 19-31 and XII, 2-8, ten chapters (79 sections).
- LIX. Machshirin מכשירין or Preparations, treats in six chapters (54 sections) of liquids that dispose seeds and fruits, to receive pollution, according to Leviticus, XI, 34, 38.
- LX. Zabim זבים or Bodily Fluxes that cause pollution, according to Leviticus, XV, 2-18, five chapters, (32 sections).
- LXI. Tebul Yom טבול יום or Immersion on the day of uncleanness, treats in four chapters (26 sections).
- LXII. Yadayim ידים or Hands, four chapters (21 sections), treats of washing of hands ritually, according to the traditional law.
- LXIII. Uktzin עוקצין or Stalks of Fruit, which convey uncleanness, in three chapters (28 sections).

## THE FIRST GENERATION OF TANAIM

WE SHALL venture here to give you short biographical and characteristic sketches of the generation of the principal תנאים i. e., teachers of the oral law, which lasted about seventy years, from 10 to 80 C. E. They are (1) Hillel; (2) Shammai; (3) Akavia ben Mahalel; (4) Rabban Gamliel the Elder; (5) Rabbi Chanania, Chief of the Priests; (6) R. Jochanan ben Zaccai; (7) R. Simon ben Gamliel.

## HILLEL

Hillel was born in Babylon, his parents traced descent from David. He was forty years old when he left Babylon to study deeply the law in the famous schools of Jerusalem, later becoming the chief of the school, known as the "School of Hillel." He was the first who reduced the great mass of rules which had gathered round the Mosaic precepts to Six Orders—the first oral basis of the future Mishna, and also drew up the seven exegetic rules, which were the basis of all later developments of the Oral Law.

The seven exegetic rules of Hillel are as follows:

1. Inference from minor to major, קל וחומר
2. The analogy of ideas or analogous inference, נזירה שוה
3. Analogy of two objects in one verse, בנין אב מכתוב אחר
4. Analogy of two objects in two verses, בנין אב משני כתובים
5. The effect of general and special terms, כלל ופרט
6. Analogy from another passage, כיוצא בו ממקום אחר
7. The explanation derived from the context, דבר הלמד מענינו

Hillel instituted many reforms; however, he was not a reformer in a modern sense. He did not deviate a jot or tittle from the law. His acts stood in no contrast to the Mosaic Law. Among his acts was the "Prosbul Act" פרובול mentioned in Talmud Gittin 36 and Shebuoth 103, which was instituted for the purpose of protecting the money-lenders as well as the borrowers during the "Year of Release". This happened in the case where a man held a mortgage on another man's property, he was compelled to release it on the first day of the seventh year. In this case the mortgagor could take advantage and refuse payment and the mortgagee would then lose his capital. This opened the door to fraud. The money-lenders would therefore refuse to lend money altogether or would charge high rates of interest. It happened that the first year after the accession to the throne of Herod, was a year of Release, and the people had neither food nor money to buy it, because of bad crops and of exorbitant taxes of the preceding year, so they tried to borrow money, offering their last possession as security, but the money-lenders refused to loan, being afraid to lose their money at the coming Year of Release.

So Hillel instituted the "Prosbul Act", which was a sort of a "Script" in the nature of a promissory note, and which secured to the lender his money even after the Year of Release, for though the property reverted to the borrower, the lender could still sue on the "Script" and collect his money by due process of law in judgment and execution, and thus it helped both parties, the lender and the borrower.

The Talmud in Erachin 31 mentions another reform which Hillel instituted. The law provided that when a man sold a house, and desiring to buy it back, which he could do within a year, must pay the original purchase price personally into the hand of the one in possession. But the latter, not wanting to part with the property, often hid himself on the last day, thus defeating the laws of equity.

Hillel therefore instituted this act which provided that the original owner would deposit the purchase money in a court of justice on the last day of the year within which the property was sold, whereupon he could take immediate possession.

In Talmud Baba Metzia 75 and and Sabbath 148, another reform of Hillel is mentioned. At seed-time, the people had to borrow grain for food and seed because of bad crops, from the wealthy merchants, but the lenders, prior to the expiration of the debt, combined to raise the price of grain, and demanded returns equivalent to the increasing rates.

Hillel therefore provided that cereals shall be returned or paid for at the price they sold for on the day they were loaned.

Hillel made the Mosaic Law luminous by the brilliancy of his matchless intellect. His good nature was boundless, and he was admired and loved by his disciples and the Sanhedrin, whose president he was for forty years. He died at the age of eighty. He was the founder of a family and race of hierarchs in the wisdom and administration of the law, who in fifteen generations (10-415 A. D.) held the dignity of N'siim or "patriarchs." The lament over his grave was, "The tender-hearted, the pious, the disciple of Ezra."

## SHAMMAI

Shammai, the colleague of Hillel, was a formalist of the narrowest schools, a man of uncompromising temper, and in this respect, as in others, the counterpart of his illustrious companion, of whom, both in their dispositions and divisions on a multitude of rabbinical questions, he was, as we may say, the antithesis. This antithesis is especially shown in the famous controversy carried on between Hillel and Shammai concerning the egg laid on the Sabbath, as follows:



The Talmud raised the question, whether an egg which a hen laid on a Sabbath could be eaten on that day. One would suppose that this question could be easily settled, since in the laying of eggs man takes no active part, but it was decided that the eating of such an egg was unconditionally prohibited, in case it was laid by a hen designed for that purpose, since in that case it was the result of work (begun on a week-day and) brought to an end on the Sabbath, hence unlawful. On this the Rabbis were unanimous. But how would it be if the hen were one intended not to lay eggs, but for eating, and how, if a Sabbath and a feast day, observed as a Sabbath, should come together?

On this point Shammai, against his custom, was less strict than Hillel, and decided that it was lawful to eat the egg of a hen, itself designed to be eaten, on whichever day the egg had been laid. Hillel, however, argued as follows: Since the egg has come to maturity on a Sabbath or feast-day, and is therefore of unlawful origin, it is not allowed to make use of it on such a day; and although it would be lawful to make use of the egg of such a hen, laid on a feast-day or Sabbath not followed or preceded by another similarly sacred day, yet it must not be eaten if two such days come together, because, otherwise, there would be a temptation to use it on the second holy day. And since it is forbidden even to carry unlawful food from one place to another, such an egg must not only not be eaten, but must not be picked up nor put aside; whereby it is self-evident that the conscientious man is not to put a finger on it, for that might lead to his taking it altogether into his hand, and is not even to look at it, for that might possibly make him wish he could eat it. In this famous dispute about the egg, as in similar ones, Hillel was right against Shammai.

Though each often gave a decision the reverse of the other, yet by a sort of fiction in the practice of the schools, these contrary decisions were held to be co-ordinate in authority, and as the Talmud (Erubin 13b) tells us, that

a voice from heaven בַּת קוֹל is said to have been heard, saying, "The words of both are words of the living God, but the rule of the school of Hillel is to be followed."

This saying passed for law, and the contradictory sayings of both Shammai and Hillel are perpetuated in the Talmud.

### AKAVIA BEN MAHALEL

Akavia ben Mahalel was a noble character with unyielding principles. He flourished shortly after Hillel, and only a few of his opinions are recorded. One of his famous sayings was, "Remember whence thou hast come, whither thou goest, and before whom thou must be prepared to render an account of thy doings. (Aboth 3.1).

„דע מאין באת, ולאן אתה הולך, ולפני מי אתה עתיד ליתן דין ושבון“  
(אבות ג, א).

When his son asked for a recommendation to the sages, from his father, who was then on his dying bed, Akavia said, "Your own deeds my son will be your best recommendation."

### GAMALIEL I, THE ELDER

The next in the presidency of the Great Sanhedrin was Hillel's grandson, Gamaliel I, the Elder. He was honored with the title of Rabban רבן "Our Teacher." He is said to have been the thirty-fifth receiver of the tradition from Mount Sinai; and he added to all the amplitude of Rabbinical law a large acquaintance with general literature. He was a master in the astronomy of that day, he could test, it is said, the witnesses of the new moon, by a chart of the lunar motions he had constructed for the purpose. His astronomic skill was employed also in the rectification of the Jewish calendar. Many of the important ordinances תקנות of the Rabbinical law were instituted by him. The recorded theological principle of Gamaliel expresses his adherence to traditionalism and

his abhorrence of Pharisaical wrangling. It is: "Procure thyself a teacher, avoid being in doubt and do not accustom thyself to give tithes by guess." (Aboth 1.16).  
 "עשה לך רב, והסתלק מן הספק, ואל תרבה לעשר אמדות" (אבות א, ט"ז).

He was held in great esteem and respect by the Rabbis who said at his decease, "the glory of the law had ceased and purity and abstinence died away." (Mishna Sota IX, 15).

### RABBI CHANINA CHIEF OF THE PRIESTS

Rabbi Chanina Chief of the Priests is mentioned in the Mishna, in conjunction with "the court of priests" regarding the laws and regulations of sacrifices and services in the Temple. One of his sayings we find in Aboth 3,2, "Pray for the welfare of the Government, since but for the fear thereof, men would swallow each other alive."

הווי מתפלל בשלומה של מלכות, שאלמלא מוראה איש את רעהו חיים בלעו.  
 (אבות ג, ב).

### R. SIMON BEN GAMALIEL

Gamaliel was succeeded by his son Simon. He was a man of great wisdom and reason. He presided over the Great Sanhedrin in the last two decades before the destruction of the Temple. He took an active part in the defense of Jerusalem, and fell, one of the many victims of the national struggle. His recorded maxim is: "The world exists by virtue of three things—viz: truth, justice and peace; as it is written, Truth and the judgment of peace shall be in your gates. (Aboth 1, 18).

על שלשה דברים העולם קיים, על האמת, ועל הדין, ועל השלום, שנאמר אמת ומשפט שלום שפטו בשעריכם. (אבות א, י"ח).

He also belongs to the ten teachers who were called "the Martyrs" הרוגי מלכות and their death is commemorated on the twenty-fifth day of Sivan, for which day a fast is ordained.

## R. JOCHANAN BEN ZACCAI

With the destruction of Jerusalem a new epoch commenced not only in the history of the Jewish people, but more especially in the development of Jewish scholasticism. The seat of learning was moved to Jabne (Jamina) and the most prominent teacher was Jochanan ben Zaccai. He had escaped from Jerusalem by being carried on a bier as one who had died. When he had reached the Roman camp, he was welcomed by Vespasian and allowed to proffer a request. Rabbi Jochanan is said to have first conciliated the General's favor by predicting his future accession to the purple. Then instead of asking any personal favors, he only requested permission to establish a school at Jabne. The request was granted and Rabbi Jochanan now settled with his disciples at Ramla, near Jabne, to await there the issue of events. When tidings of the destruction of the Temple reached them, he comforted his disciples. Jabne was substituted for Jerusalem, certain ordinances were discontinued or slightly altered, and certain prayers or good works substituted for sacrifices. The branch of theology in which Rabbi Jochanan excelled was that known as the Hagada הגדה

Of his disciples, the Mishna mentions Eliezer ben Hyrcanus, Joshua ben Chanania, Jose the priest, Simon ben Nathanael, Eleasar ben Arack.

The first two are the best known and most prominent.

Rabbi Jochanan lived one hundred and twenty years, and the Talmud tells us that he spent forty years in commerce, forty years in study and the last forty in teaching. (Rosh Mashanah 31; Sanhedrin 41).

כל שנותיו של רבן יוחנן בן זכאי מאה ועשרים שנה, ארבעים שנה עסק בפרקמטיא, ארבעים שנה למד, ארבעים שנה לימד.  
(ראש השנה ל"א, סנהדרין מ"א).

As Rabbi Jochanan lay on his death-bed weeping, his disciples asked him: "Rabbi, light of Israel, thou



strong rock, right hand pillar, why dost thou weep?" He answered them: "If they were about to lead me before a king of flesh and blood, who is here to-day and to-morrow in the grave, who if he were angry with me, his anger would not last forever; if he put me in bondage, his bondage would not be everlasting; and if he condemned me to death, that death would not be eternal; whom I could soothe with words and bribe with money; yet, even in these circumstances, I should weep. But now I am about to appear before the majesty of the King of Kings. before the Holy and the Blessed One, who is and who liveth forever, whose just anger may be eternal, who may doom me to eternal punishment. Should he condemn me, it will be to death without further hope. Nor can I pacify Him with words, nor bribe Him with money. There are two roads before me, one leading to Paradise, the other to Gehenna, and I know not by which of these I go — should I not weep?" The disciples then asked Rabbi Jochanan to give them his blessing. He said, "May it be that you fear Heaven even as you fear man."

יהי רצון שתהא מורא שמים עליכם כמורא בשר ודם.

His disciples seemed astonished, and they said, "Is that all!" The Rabbi added: "He who would commit a sin, first looks around to discover whether any man sees him; so take ye heed, that God's all-seeing eye see not the sinful thought in your heart." (Berachoth 28b.) The Rabbis of the succeeding generation lamented that when Rabbi Jochanan ben Zaccai died "the glory of wisdom departed. ((Sota 49a).

## THE SECOND GENERATION OF TANAIM

HE principal Tanaim who belonged to this generation, are as follows: Rabbi Gamaliel II, Rabbi Zadok, R. Dosa ben Harchinas, R. Eliezer ben Jacob, R. Eliezer ben Hyrkanos, R. Joshua ben Chanania, R. Elazar ben Azaria, and R. Juda ben Bathyra.

We will now give short biographies of the above principal Tanaim of the second generation which lasted forty years, from 80 to 120.

## RABBAN GAMALIEL II

After the death of R. Jochanan ben Zaccai, Rabban Gamaliel II became president of the academy of Jabne, in order to distinguish him from his grandfather he was called Gamaliel second. The Roman authorities officially recognized him as Nasi (Prince) נשיא. He exercised the prerogative of his office in a very strong manner, he secured obedience of all who sought to oppose him, by the use of excommunication, which he even exercised against his own brother-in-law, R. Eliezer ben Hyrkanos, who had a school at Lyddia, but upon his excommunication retired to Caesarea. However, the use of these methods brought about his own humiliation and final deposition. Gamaliel, after having seen his error, and having implored the pardon of his colleagues, was re-instated. He was a great adherent of the school of Hillel. He declared that adherence to the House of Hillel should be a necessary qualification for admission to the Sanhedrin. (Berachot 28).

כל תלמוד שאין תוכו כברו לא יכנס לבית המדרש. (ברכות כ"ח).

## RABBI ZADOK

Rabbi Zadok was the most influential person in the tribunal of R. Gamaliel II. He was taken to Rome as captive in his early youth, and sold to a wealthy family

there. Of him it is related that he fasted for forty years, in his endeavour to prevent the destruction of the Temple. He then removed to Jabne and became one of the most distinguished there.

His famous saying was, "Do not make learning a crown to make thyself great thereby, nor a spade to dig with it." (Aboth 4, 5).

ואל תעשה עטרה להתגדל בה, ולא קרדום לחפור בה. (אבות ד, ה).

### R. DOSA B. HARCHINAS

R. Dosa B. Harchinas was a follower of Hillel, a great scholar, and held in high esteem by the Rabbis, for in doubtful cases they always sought his opinion. One of the famous sayings of R. Dosa B. Harchinas was that "the morning sleep, the mid-day wine, and the talk of little children, and joining in the assembly of the ignorant, put man out of the world." (Aboth 3, 10).

שנה של שחרית, ויין של צהרים, ושיחת הילדים וישיבת בתי כנסיות של עמי הארץ, מוציאים את האדם מן העולם. (אבות ג, י).

### R. ELIEZER BEN JACOB

R. Eliezer ben Jacob instituted that fine method of instruction in his school, of which he was the Dean. He was highly commended for his method of instruction which was "concise and clear." Many schools later followed that instruction method. His famous saying was: "He who does one precept has gotten himself one advocate, and he who commits one transgression has gotten himself one accuser. Repentance and good deeds are as a shield against punishment. (Aboth 4.11).

העושה מצוה אחת, קונה לו פרקליט אחד, והעובר עבירה אחת קונה לו קטיגור אחד, תשובה ומעשים טובים, כתרים בפני הפרענות. (אבות ד, י"א).

There was also another Tana with the same name who flourished in the fourth generation.

### R. ELIEZER BEN HYRKANOS

R. Eliezer ben Hyrkanos was the most distinguished disciple of Rabbi Jochanan ben Zaccai, he was not on friendly terms with Rabbon Gamaliel, his brother-in-law, and was excommunicated by him. R. Eliezer then opened a school in Lydia. His master, Rabbi Jochanan ben Zaccai, characterized R. Eliezer as "the lime-cemented cistern that does not lose a drop." (Aboth 2, 11).

בור סוד שאינו מאבד טיפה. (אבות ב, י"א).

It was also said of R. Eliezer, that if all the laws and ordinances were lost he could re-write them from memory. R. Eliezer always pleaded for law as transmitted from master to master. He held that no man or body of men had the right to change aught in the body of the law under any conditions.

The Rabbis of the Sanhedrin, however, opposed this idea and held that all in the law is subordinate to the principle of the welfare of humanity. But R. Eliezer insisted that our masters taught and builded the spiritual kingdom on tradition, and we therefore must abide by tradition. Although he was excommunicated, he felt kindly even to those who had wrought his ruin. Love of his fellow-man and faith in God were the two lights which illuminated his soul. "The honor of thy fellow-man shall be dear to thee as thine own." (Aboth 2.15).

יהי כבוד חבריך חביב עליך כשלך. (אבות ב, ט"ו).

He put the entire force of his fast fading life into his assertions. What the others had declared to be unclean he pronounced clean, and with the word "Clean" טהור on his lips he sank down and died. (Sanhedrin 68a). (פנהרין ט"ח) ויצאה נשמתו בטהרה. and a great light had gone out in Israel.

### R. JOSHUA BEN CHANANIA

R. Joshua ben Chanania was also one of the disciples of R. Jochanan ben Zaccai. He was not only a great Hebrew scholar, but applied himself to Latin and Greek,



to mathematics, geography, physics, and astronomy. He was made president of the Court of Appeals, the highest office of the Sanhedrin after that of president. His spirit was democratic and he would not allow any law to pass which tended to increase the religious burden of the people, except to prevent immorality. He believed that the people should not be overburdened with laws, "let them observe what they have," he said, "if you pour water into a cask full of oil, the oil is bound to flow over and get lost. Make no law which the congregation as a body cannot observe."

ר' יהושע אומר בו ביום מחקו סאה. (שבת קנ"ג, ב).

R. Joshua lived to an advanced age. He witnessed the burial of his colleague R. Eliezer and Gamaliel II, the president of the Sanhedrin, before he died. The Talmud speaking of his death says, "Wise counsel died with Joshua." (Sota 49) משמת ר' יהושע בטלה עצה ומחשבה (סוטה מ"ט)

### R. ELAZAR BEN AZARIA

R. Elazar ben Azaria became the president at Jabne, when Gamaliel II was deposed of that office temporarily, and after his reinstatement R. Elazar became the vice-president. He was a man of great learning and of noble virtues. His controversies were mostly with R. Joshua, R. Tarphon, R. Ishmael and R. Akiba. In his lectures, he was very practical as we see from his famous sayings: "Where there is no Torah there are no manners, where there are no manners there is no Torah, where there is no wisdom there is no fear of God, where there is no fear of God, there is no wisdom, where there is no discernment, there is no learning, without learning there is no discernment, where there is want of bread, study of the Torah cannot thrive, without study of the Torah, there is lack of bread." (Aboth 3-21).

אם אין תורה אין דרך ארץ, אם אין דרך ארץ אין תורה, אם אין חכמה אין יראה, אם אין יראה אין חכמה, אם אין דעת אין בינה, אם אין בינה אין דעת, אם אין קמח אין תורה, אם אין תורה אין קמח. (אבות ג, כ"א).

## R. JUDA BEN BATHYRA

R. Juda ben Bathyra lived before the Temple in Palestine was destroyed, and conducted a school in Nisibis, Assyria. He was a descendant of the family Bene Bathyra who held the offices of President and Supreme Judge of the Sanhedrin. They were of high family but not of great learning and on many occasions were unable to decide the questions that were put to them. As the Talmud Pesachim 69 tells us, that Hillel stood much higher in the estimation of the people than the Bene Bathyra who had not attended the academy of the old masters, though they had had the fullest opportunity, being residents of Jerusalem and very wealthy, whereas the Babylonian, who had struggled and suffered, could boast of the advantage from the masters Shemaiah and Abtalion. The Bene Bathyra, wearied of the difficulties of their position, voluntarily laid down their office, and the Babylonian Hillel was chosen President of the Sanhedrin "to promote peace in Israel" לעשות שלום בישראל. Of Rabbi ben Bathyra, there are many controversies between him and Rabbi Akiba recorded in the Talmud, for he was a prolific Haggadist. Other teachers that followed R. Juda ben Bathyra in the second generation of Tanaim were, R. Nechunia ben Hakana, the teacher of R. Ishmael, who gave his famous thirteen rules, and Nacham of Gamzo who introduced the exegetical principles which attached much celebrity to his name. Nacham explained that some particles were excluding, while others were including. This method was called "the rule of extension and restriction" רבוי ומעוט which was further developed by Rabbi Akiba, one of his disciples.

## THE THIRD GENERATION OF TANAIM

THE THIRD generation of Tanaim were: R. Tarphon, R. Ishmael, R. Akiba, R. Jochanan ben Nuri, R. Hose the Galilean, R. Simon ben Nanos, R. Juda ben Buba, and R. Jochanan ben Broka.

This generation of Tanaim lasted from the year 120 till 139, however many of the above Tanaim flourished already in the second generation.

## R. TARPPHON

R. Tarphon of Lydda belonged to a sacerdotal family. He was called, "the teacher of Israel," on account of his great learning, and his recorded maxim was: "The day is short, the labor vast; but the laborers are slothful, though the reward is great, and the Master presseth for dispatch. It is not incumbent upon thee to complete the work, and yet thou art not at liberty to be idle about it. If thou hast studied the law much, great reward will be given thee; for faithful is thy employer, who will award to thee the hire of the labor, and be aware that the award of the righteous will be in the future which is to come." (Aboth 2, 20).

היום קצר והמלאכה מרובה, והפועלים עצלים, והשכר הרבה, ובעל הבית דוחק, לא עליך המלאכה לגמור, ולא אתה בן חורין להבטל ממנה, אם למדת תורה הרבה נותנין לך שכר הרבה, ונאמן הוא בעל מלאכתך שישלם לך שכר פעולתך, ודע שמתן שכרן של צדיקים לעתיד לבוא. (אבות ב, כ).

The manner in which he applied the Bible is best illustrated by the following: When some one told him something intellectual, he used to say, "A knop and a flower, thou hast spoken as beautifully as the adornments of the Menorah in the Temple." (Exodus XXV, 33); but when the tale was not according to his taste, he used to say, "My son shall not go down with you." (Bereshith Rabba, section 91). (בראשית רבה צ"א).

He was known to be a very charitable man, and he spent his wealth helping the poor and needy.

## R. ISHMAEL

R. Ishmael, the grandson of the high priest Ishmael ben Elisha, was a man of great learning, a member of the Sanhedrin, and highly revered by his colleagues. He lived in the south of Palestine, not far from the Idumean boundaries, at a place called Kephaz Aziz. He formed a system of interpretation in opposition to that of R. Akiba. In opposition to the latter, R. Ishmael maintained that the Bible, being written in human language, uses expressions in their common acceptation, that many of the repetitions and parallelisms are simply designed to render the style more rhetorical, and powerful, and cannot therefore, without violation of the laws of the language, be adduced in support of legal deductions. Accordingly, he increased the seven exegetical rules laid down by Hillel to thirteen, which are called the thirteen rules of R. Ishmael, (we speak of these rules in a later chapter) by which alone the Scriptures are to be interpreted, and by which he relates every rule and Halachik regulation to the Bible.

He arranged a collection of Halachoth as a commentary to the book of Exodus, a large part of which was incorporated in a later commentary on Exodus, called *Mechilta* מְכִילְתָּא. The *Mechilta* is composed of nine tractates, subdivided into sections, and treats on select sections of Exodus, in the following order: The first tract treats on Exodus XII, 1-13, in eighteen sections; the second XIII, 17-XIV.31, in six sections; the third on XVI, 1-21 in ten sections; the fourth on XV, 22-XXVII in seven sections; the fifth on XVII, 8-XVXIII, 27 in four sections; the sixth on XIX, 1-XX.22 in eleven sections; the seventh on XXI, 1-XXII.23 in eighteen sections; the eighth on XXII.23 SSIII, 19 in two sections; and the ninth on XXI.12-17 XXXV, 1-3, in two sections.

This commentary is ascribed to R. Ishmael, as in the post-Talmudical literature it is mentioned as the "*Mechilta* of R. Ishmael" מְכִילְתָּא דִּרְיִשְׁמָאֵל. But the book belongs to the fourth or fifth century, and R. Ishmael who



is said to be its author flourished in the beginning of the second century.

However, his collection supplied the nucleus to the Mechilta which we have now, and was of great help to subsequent compilers of Halachah.

R. Ishmael died in the year 121 A. D. and the school which he founded continued after his death and was known by the name of "Be R. Ishmael." His rules were regarded as of such importance by Rabbinic Judaism, that it made it obligatory for every Jew to recite them in the morning-prayer; hence these rules may be found in the prayer book.

### R. AKIBA BEN JOSEPH

R. Akiba ben Joseph was an illiterate shepherd up to the age of his manhood, but because of his great desire for the knowledge of the law, and untiring dilligence, he became one of the prominent Tanaim. He descended from a proselyte family, but was a great Jewish patriot. The Talmud tells us that R. Elazar ben Azariah mentions this in a eulogy which he pronounced on him. "The sages of Israel are but garlic peelings to me except this bald head, R. Akiba ben Joseph, whose father was a proselyte of righteousness." (Talmud Berachoth 58).

כל חכמי ישראל לפני כעליפת השום הוץ מקרה זה והוא רבי עקיבא בן יוסף ואביו היה נר צדק. (ברכות נ"ח).

Rabbi Akiba studied under three different teachers, and derived from each a claim of peculiar distinction. From Nachum of Gamzo he had learned those exegetical principles which attached such celebrity to the name of that theologian. Rabbi Eliezer ben Hyrkanos has probably laid the foundation of his more solid learning, while Rabbi Joshua ben Hananyah initiated him in the mysteries of the Kabbalah.

Rabbi Akiba may be considered as the only systematic Tana. Thus he arranged the different Halachoth, first after their contents—which was called "Mesichta" מסכתא

and then enumerated them in such a manner as to assist the memory of the student. Besides his arrangement of the Mishna which was called the Mishna of Rabbi Akiba, he also grounded its text upon the Bible, or at least made the first systematic and consistent attempt toward it. But more than the enumeration or the exposition of the Halacha his peculiar and novel method of expounding the Bible fascinated his hearers. He founded a science of casuistry to which the plain meaning of the Written Law became of less and less importance, he opened ways for the exercise of ingenuity, and its results were made subservient to the interests of traditionalism.

Thus Nachum of Gamzo had declared some particles in the Bible as significant, but Rabbi Akiba went beyond that, declaring that each sentence, word and particle in the Bible must have its use and meaning. He denied that mere rhetorical figures, repetitions, or accumulations occurred in the Bible. Every word, syllable, and letter, which was not absolutely requisite to express the meaning which it was desired to convey, must be maintained, serve some ulterior purpose, and be intended to indicate a special meaning. Rabbi Akiba reduced his views to a system. The seven exegetical principles were enlarged to forty-nine, which were strictly applied to every case, not only in Hagadic interpretations but also in the study of Halacha, in the highest judicial procedure, and even as groundwork for fresh inferences. Sometimes, however, these principles were put to a severe test. Thus on one occasion, they were applied to the text, "Thou shalt honor the Lord thy God" in which a particle not absolutely requisite was discovered. One of Rabbi Akiba's pupils objected that it might be inferred that some one else besides God was to be supremely revered, but Rabbi Akiba removed his doubts by replying that the particle in question was intended to point to the expounders of the law, who should be honored next to the Lord. Thus he classified the traditions of the past, drew laws from them, and found new hidden meanings in every phrase.

His method was hailed as the commencement of a new period.

Rabbi Akiba's great maxim was, "that everything is ordained of heaven for the best." כל דעביר רחמנא לטב עביר

Rabbi Akiba died as a martyr in the fight for liberty waged by Bar Kochba against Hadrian at the age of one hundred and twenty years, and was survived by a son and a daughter. She married Ben Azzai, and like her mother, she voluntarily separated from her husband so that he could devote his life to study. The Rabbis of the Talmud said of her, "The lamb followeth the mother," that is, she did for her husband Ben Azzai, what her mother Rachel did for her father Rabbi Akiba. (Talmud Kethuboth 63).

ברתיה דרבי עקיבא עבדא ליה לבן עזאי חכי והיינו דאמרי אינשי רחילא בתר רחילא אזלא כעובדי אמה כך עובדי ברתא. (כתובות ס"ג).

### R. JOCHANAN BEN NURI

R. Jochanan ben Nuri, a great scholar in the Halacha, colleague of Rabbi Akiba, with whom he always seemed to differ on questions of law. He was also a colleague of Gamaliel II with whom, however, he always seemed to agree. Because of his great learning and great knowledge of the Halacha, the Rabbis called him the "Bundle of Halachoth" or "Pedlar's Basket." He became the head of the "Beth Shearim" college, a place near Sepphoris in Galilee.

### R. JOSE THE GALILEAN

R. Jose the Galilean was an authority on the laws concerning the sacrifices of the Temple service. He was unknown until his first debate with Rabbi Tarphon and Rabbi Akiba in the academy at Jabne, but then attracted attention because of his great learning, and the Rabbis considered him as a colleague rather than a pupil. He was a very kind and generous man. It is related that although

his wife divorced him and married another, but upon discovering that she in her second marriage lived in poverty, he generously provided for her and her husband, and was willing to forget and forgive her wrongs towards him. One of his sons, R. Eleazar, became a distinguished teacher, and famous, because he established the thirty-two rules, whereby the Bible is to be interpreted.

### R. SIMON BEN NANOS

R. Simon ben Nanos was a very distinguished teacher, an authority on civil law, and the Talmud tells us that R. Ishmael with whom he was often engaged in legal controversies, recommended to all his students to attend the lectures of R. Simon if they desired to get a thorough knowledge of the civil law. We find several of his sayings bearing on civil law preserved, under the name of "Ben Nanos" as he was oftentimes called.

### R. JUDAH BEN BABA

R. Judah ben Baba, who was called "Chassid" חסיד because of his piety, was among the Rabbis who lost their lives during the persecution of Hadrian. The Talmud in Sanhedrin 14, tells us that R. Judah contrary to the Hadrianic edict, prohibiting the instruction and ordination of Rabbis, continued to do so, and one day his school was surprised by a party of Roman soldiers. He saw them coming and immediately ordained R. Meir, R. Judah, R. Simon, R. Jose and R. Elazer ben Shamua, gave them his blessing and ordered them to flee. "But what will become of thee, Master?" they cried. "I stay like a rock," he answered. The disciples fled, but R. Judah was pierced by the Roman lances and died there.



## R. JOCHANAN BEN BROKA

R. Jochanan ben Broka was a distinguished teacher, and the father of that distinguished teacher, R. Ishmael. He was a great authority in the civil law. His famous saying was, "Whoever profanes the name of God, even secretly, is punished publicly, whether the deed is committed intentionally or unintentionally." (Aboth 4.4).

„כל המחלל שם שמים בסתר, נפרעין ממנו בגלוי, אחד שוגג ואחד מזיד  
בחלול השם". (אבות ד' ד').

## THE FOURTH GENERATION OF TANAIM

THIS generation extends from the year 139 to about 165; from Rabbi Akiva's death to the death of Rabbi Simon ben Gamliel II. The Tanaim are as follows: Rabbis Meir, Jehuda ben Ilai, Jose ben Chalafta, Simon ben Jochai, Elazer ben Shamua, Jochanan the Sandelar, Elazar ben Jacob, Nehemia, Joshua ben Korcha, and Simon ben Gamaliel.

## RABBI MEIR

Rabbi Meir was the most prominent of Rabbi Akiva's disciples; he developed great dialectical powers; he was known as "Meir, the Miracle Worker". He was a popular Haggadist and used to illustrate his lectures by interesting parables and fables. On account of the persecutions of that day he had to flee from Judea, later when those Hadrianic edicts were repealed, he returned and together with his colleagues he re-established the Sanhedrin in the city of Usha, in Galilee. He occupied the position of "Chacham" חכם—advising sage. Under Rabbi Simon ben Gamaliel II, his duty was to prepare the subjects to be discussed in the Sanhedrin. Rabbi Meir was strict even to harshness in speaking of "Men of the Soil" עַם הָאָרֶץ, —the unlettered. One of his maxims was as follows: "He who leaves a Man of the Soil in his house asleep and returns to find him awake may be sure that pollution has been abroad in that home." (Jer. Teharoth 8, 18).

„המניח עם הארץ בבית ישן ומצאו ער הבית טמא" (ירושלמי טהרות ה, י"ח).

His last years were spent in Asia Minor, where he died. It is however not certain what was his real name. Meir was merely titular and signified that he was "an Enlightener." He was also referred to by the Chaladaic-speaking Rabbis as "Nehorai" נְהוֹרַי, which also means a bearer of light, one who had intellectual ability to explain the Law, as it is said of him in the Talmud: "He

opened the eyes even of the wise in the Law. (Erubin 13).

תנא לא ר' מאיר שמו אל ר' נהוראי שמו ולמה נקרא שמו ר' מאיר שהוא מאיר עיני חכמים בהלכה. (ערובין י"ג).

Among his best known maxims are: "A little business and be busied in the Torah; be lowly in spirit to every man; if thou idlest from the Torah, thou wilt have many idlers against thee; if thou laborest in the Torah it hath much to give unto thee." Aboth 4, 12).

רבי מאיר אומר הוה ממעט בעסק ועסק בתורה, והוה שפל רוח בפני כל אדם, ואם בטלת מן התורה יש לך בטלים הרבה כנגדך, ואם עמלת בתורה יש לו שכר הרבה לתן לך. (אבות ד. י"ב).

### RABBI JEHUDA BEN ILAI

Rabbi Jehuda ben Ilai was known for his great eloquence, and was named "The first among the speakers" ראש המדברים. He was a very pious and modest man and was one of the distinguished disciples of Rabbi Akiva, and one of the seven who were ordained by Rabbi Juda ben Baba. He made his living by working as a mechanic, in accordance with his favorite maxim, that "Labor honors man." He differed with his colleagues, Rabbis Meir and Simon, in legal opinions. However, his opinions generally prevailed. He practised abstinence, and believed in a vegetarian diet, and generally sought to have no delight in this world. His beautiful sayings are recorded in the Aggada of the Talmud, which characterize him as a logical interpreter of Scriptures. He lived to a very great age, surviving all his colleagues.

### RABBI JOSE BEN CHALAFTA

Rabbi Jose ben Chalafta was one of the most distinguished teachers of his time. He made his living as a tanner. He was a great historian and to him is ascribed the authorship of the chronological book "Seder Olam" סדר עולם. We find that in the Mishna he is called simply

Rabbi Jose, and was of Babylonian origin, born at Sephoris, where his father had established an academy of learning.

### RABBI SIMON BEN YOCHAI

Rabbi Simon ben Yochai was a Galilean by birth. He won fame as an expounder in the rabbinical schools which attracted the attention of Rabbi Akiva during his career of revolutionary propaganda. Rabbi Akiva said to him in admiration on one occasion, "As I live, it is only thy Maker and I that can understand thy ability." (Jerusalmi Sanhedrin Div. 1, 2, vol. 19).

חיד שׂאני ובוראך מכירין כוחך. (ירושלמי סנהדרין א, ב, י"ט).

He was condemned to death by the Romans, but hid in a cave for thirteen years engaged in the study of the law, subsisting on the fruit of the carob trees which abounded in that neighborhood. On his escape he reopened his school at Tekva in Galilee, and always followed the teachings and manners of Rabbi Akiva; he boasted that "his own manners were modeled on his master Rabbi Akiva." (Gittin 67).

שמדותי תרומות מתרומות מדותיו של רבי עקיבא. (גיטין ס"ז).

The Talmud speaks of Rabbi Simon as a great miracle worker; he is the supposed author of the Zohar. He spent his last days in Rome, where he went, in order to persuade the Emperor Marcus Aurelius to repeal some edicts against the Jewish religion and he met with success.

### RABBI JOCHANAN THE SANDELAR

Rabbi Jochanan the Sandelar, — meaning sandal-maker. This surname was given to him because of his trade in sandals. He was born in Alexandria, came to Palestine and became a disciple of Rabbi Akiva, and was one of the transmitters of the traditional Law.



His famous maxim was, "An assembly that aims to glorify the name of the Omnipresent will have permanence, but one that does not so aim will not endure." (Aboth 4, 14).

רבי יוחנן הסנדלר אומר כל כנסיה שהיא לשם שמים סופה להתקיים ושאני לשם שמים אין סופה להתקיים. (אבות ד, י"ד).

### RABBI ELIEZER BEN JACOB

Rabbi Eliezer ben Jacob was a member of the Sanhedrin in Usha, a disciple of Rabbi Akiva. There was another Tana with a similar name who flourished in the second generation, whose method of teaching was entirely different from that of Rabbi Elazer of the fourth generation. His famous maxim was, "He who performs a pious deed gains for himself an advocate, and he who commits a sin creates an accuser against himself. Penitence and pious deeds constitute a shield against heavenly visitations." (Aboth 4, 13).

"רבי אליעזר בן יעקב אומר העושה מצוה אחת קונה לו פרקליט אחד והעובר עברה אחת קונה לו קטגור אחד, תשובה ומעשים טובים כהרים בפני הפורענות." (אבות ד, י"ג).

### RABBI NEHEMIA

Rabbi Nehemia was an authority on the sacrificial laws and laws concerning Levitical purifications. He was one of the last disciples of Rabbi Akiva. It seems that his controversies were mostly with Rabbi Juda ben Ilai. Rabbi Nehemia compiled a Mishnah collection which was embodied in the Tosephta.

### RABBI JOSHUA BEN KORCHA

Rabbi Joshua ben Korcha — the word "Korcha" meaning bald head, and because Rabbi Akiva was some times called "bald head", and he had a son called Joshua, some believed that Rabbi Joshua was his son. However,

this is disproved by Rabenu Tam the Tosaphist (Sabbath 150a). This Rabbi was a contemporary of Rabbi Simon ben Gamaliel II and lived to a great age.

### RABBI SIMON BEN GAMALIEL II

Rabbi Simon studied natural science, particularly physiology and medicine. He received a thorough training in Greek philosophy. He was the president of the Academy at Usha and later became president of the Great Sanhedrin. His famous saying was, "It is unnecessary to erect monuments to the pious; their sayings will preserve their memories." (Jerushalmi Shekalim 2-5).

„אין עושין נפשות לצדיקים; דבריהם הן זכרונן." (ירושלמי שקלים ב, ה"ה).

### THE FIFTH GENERATION OF TANAIM

**T**HIS generation extends from the death of Rabbi Simon ben Gamaliel II to the death of Rabbi Jehuda Hanasi, from 165 to about 200. The most distinguished teachers of this generation are as follows:

Rabbi Nathan the Babylonian; Symmachos; Rabbi Jehuda Hanasi, the patriarch; Rabbi Jose ben Juda; Rabbi Elazar ben Simon, and Rabbi Simon ben Elazar.

### THE SIXTH GENERATION OF TANAIM

The teachers of this generation are called "Semi-Tanaim," as they are not mentioned in the Mishna but in the Tosephta תוספתא and Baraita ברייתא. They form the connecting link between the period of Tanaim תנאים and that of the Amoraim אמוראים. They are as follows: Plimo; Ise b. Juda; Rabbis Elazar b. Jose; Ishmael b. Jose; Juda b. Lakish; Chiya; Acha; Abba.

## THE AMORAIM OF THE BABYLONIAN TALMUD

THE "Amoraim" were those teachers who expounded the Mishna. The name is derived from the root "Amar" אמר to say. In time it acquired the meaning to interpret, to comment, and to explain. As the Mishna compiled by Rabbi Jehuda Hanasi became the authoritative code of oral law, these teachers began expounding this code, such as investigating the reason and sources of the Mishna, comparing its canons with those of the Barithoth ברייתות, and applying its principles to new cases not yet provided for. The period of the Amoraim extends from the death of Rabbi Jehuda Hanasi to the completion of the Babylonian Talmud, or from the beginning of the third to the end of the fifth century C. E. The six generations of the Babylonian Talmud are as follows:

FIRST generation—219-217 C. E. — Abba Arica (Sura); Mar Samuel (Nehardea); Mar Ukba, chief justice at Kafri.

SECOND generation — 257-320 — Huna (Sura); Juda b. Ezekiel (Pumbeditha); Chisda (Sura); Shesbeth (Shilhi); Nachman b. Jacob (Nehardea).

THIRD generation—320-375 C. E. — Rabba bar Huna (Sura); Rabba bar Nachmani (Pumbeditha); Joseph bar Chiya (Pumbeditha); Abaye (Pumbeditha); Rabba b. Joseph bar Choma (Mahuza); Nachman b. Isaac (Pumbeditha); Papa bar Chanan (Narash).

FOURTH generation—375-427 C. E.—Ashi (Sura); Amemar (Nehardea); Zebid bar Oshaya (Pumbeditha); Dimi bar Chinana (Pumbeditha); Rafram I (Pumbeditha); Mar Zutra (Pumbeditha); Juhah Mani b. Shalom; Eliezer b. Jose; Jose b. Abin; Tanhuma.

FIFTH generation—427-468 C. E.—Mar Yemar or Maremar (Sura); Idi bar Abin (Sura); Mar bar Ashi (Sura); Archa of Difta (Sura); Rafram II (Pumbeditha).

SIXTH generation — 468-450 C. E. — Rabina bar Huna, the last Amora of Sura, and Jose, the last Amora of Pumbeditha and the first of the Saboraim.

### THE AMORAIM OF THE PALESTINIAN TALMUD

THE Palestinian Amoraim were distinguished by their simple method of teaching and expounding the Mishna. They regarded the Mishna as a text for development into a series of sermons and epigrams. They had the title of "Rabbi" רבי, having been ordained by the "Nasi" נשיא, while the Babylonian teachers of that period had only the title of "Rab" רב, or "Mar" מר. The Amoraim mentioned in the Talmud number several hundred; we have only listed here those who presided over the great academies, and the most distinguished among them, as follows:

The first generation of Palestinian Amoraim—219 to 279 C. E.—Yannai the Elder; Jonathan the Elder; Hosaiah the Elder; Levi bar Sisi; Chanina bar Chana; Hezekiah; Johanan bar Nappacha; Simon b. Lakish; Joshua b. Levi; Simlai.

The Second generation—279 to 320 C. E.—Elazar b. Pedat (Tiberias); Ammi and Assi (Tiberias); Chiya bar Abba; Simon bar Abba; Abbaba (Caesara); Zehra.

The Third generation—320 to 359 C. E.—Jeremiah; and Jose bar Zabda in Tiberias. These being the last authorities in Palestine, in all probability the Palestinian Talmud was accomplished in their time.



## THE PALESTINIAN AND BABYLONIAN GEMARAS

THE Palestinian Talmud or תלמוד ירושלמי Jerusalem Talmud, was completed about 350. This important commentary on the Mishna has not come down to us entire; what we have at this day in our hands is only on the four orders Zeraim זרעים Moed מועד Nashim נשים Nezikin נזיקין and the first three chapters of the treatise Niddah נדה (in the sixth order). But the Jerusalem Talmud has a Gemara on the entire first order, whereas the Babylonian has it only on the first treatise of that order; and a Gemara to the treatise Shekalim שקלים which is also wanting in the Babylonian Talmud. The language of the Jerusalem Talmud is Talmudic Hebrew, with a strong infusion of the Western Aramaic, then common in Palestine.

The Jerusalem Talmud although important was imperfect as a commentary on the Mishna, both as to the extent and the quality of its qualifications. Many parts of the text were left without Gemara, and the commentary on those parts, professedly explained, was weakened by a large mixture of legend.

It was edited under great hardships, and in a way reflects the conditions of the times, the persecutions and suffering pressed hard upon the Palestinian scholars, and in their anxiety to complete the work, their opinions were very brief and not fully developed. Some of the halachoth are brought in abruptly without introduction, and are somewhat confusing to students, since they remained in an incomplete and unfinished state.

Under these circumstances, the first attempt to undertake a connected and comprehensive commentary on the Mishna, was made by R. Ashe ben Simai, surnamed רבן Rabbān, i. e., our teacher. His task was to collect, condense, and set in order the entire array of additional law, as outlined by the Rabbis since the time of Judah the great.

To collect and methodize all the disputations, interpretations, elucidations and commentaries, was con-

sequently a labor neither of one man nor of a single age; however, R. Ashi was the first to attempt this gigantic work. At the age of fourteen was elected as head of the Academy in Sura, this was the enterprise of his life, and one which, after the lapse of thirty laborious years, resulted in the consolidation of the Babylonian Talmud.

R. Ashi, who died in 427, had only arranged thirty-five books, but the work inaugurated by him, was progressively advanced by his successors, till its completion and sealing in the year 498 by Rabbi Abina, with whom ended the series and succession of Amoraim, or Mishna and Talmud authorities at Sura.

### SUBSIDIARIES TO THE TALMUD

HERE are subsidiaries to the Talmud, printed either in the margin of the pages or at the end of the treatises, viz:

1. The Tosephoth תוספות exegetical additions by later authors.
2. Massoreth Ha-shas מסורת השס which give references to parallel passages in the Talmud.
3. En Mishpat עין משפט gives the index of places on the rites and institutions, these glosses show where the final decision of a law quoted or discussed in the Talmud is to be found in the various codes.
4. Ner Mitzvoh נר מצוה a general index of decisions according to the digest of Maimonides.
5. Perushim פירושים or commentaries by different authors.

## APPOCRYPHA OR APPENDIX TO THE TALMUD

**B**ESIDES the treatises which compose the Mishna and Gemara there are certain minor ones which are connected with the Talmud as a kind of Apocrypha or appendix, under the title of Mesiktoth קטניות or "Minor Treatises." These are:

1. Sopherim סופרים concerning the scribe and reader of the law, the 21 chapters contain rules for the writing of the scrolls of the Pentateuch, also Masoretic rules, and liturgical rules for the service on Sabbath, Holidays and Holy days.
2. Kallah כלה relates to marriages, the one chapter contains the duties of the bride and the married woman, and of chastity in marriage generally.
3. Ebel Rabbathi אבל רבתי a treatise on mourning, substituted in a pleasing expression and called Semachoth שמחות the 14 chapters contain the ordinances for funeral solemnities.
4. Derech Eretz דרך ארץ on social duties, the 11 chapters teach the various ethical, social and religious duties.
5. Derech Eretz Sutta דרך ארץ זוטא rules for the learned, the 10 chapters are filled with rules on the conduct of life and maxims of wisdom.
6. Perek Ha-shalom פרק השלום on the love of peace, one chapter.
7. Aboth di-Rabbi Nathan אבות דרבי נתן a commentary on or amplification of the treatise. The 41 chapters consist of a kind of Tosephta or addition to the Mishna משנה Treatise Pirke Aboth פרקי אבות

There are seven minor Mesiktoth, besides these

treatises. They were published separately by Raphael Kircheim of Frankfort in 1851. They are Mesiktoth

1. Gerim גרים concerning Proselytes — 4 chapters
2. Kuthim כותים concerning Sammarites — 2 chapters
3. Abadim עבדים concerning slaves — — — 3 chapters
4. Tsitsith ציצית concerning fringes — — 1 chapter
5. Tephillin תפילין concerning Phylacteries 1 chapter
6. Mezuzah מזוזה concerning the writing  
on the door post — — 2 chapters
7. Sepher Torah ספר תורה concerning the writing  
of the law — — 5 chapters

The Babylonian Talmud, originating in Babylonia, is called "Babli" תלמוד בבלי. The Gemora of the Babylonian Talmud covers only thirty-seven Mesiktoth of the Mishna as follows: "Berachoth" omitting the remaining ten Mesikthoth of Zeraim. Is covers eleven Mesiktoth of Moed (omitting only Shekalim, which in our Talmud editions is replaced by the Palestinian Gemara) and all seven Mesiktoth belonging to the third order, called Nashim. Of Nezikin eight, omitting Eduyoth and Aboth. Of Kodoshim nine, omitting Middoth and Kennim. In the Mesiktoth Tamid only chapter 1, 2, and 4 are provided with Gemara. Of the order Taharoth only the Mesiktoth Nidda has a Gemara, omitting eleven Mesiktoth.

The Babylonian Talmud is well edited and skillfully compiled. Its style is clear and lucid. The editors employed, together with the Hebrew, the East Aramaic dialect, using occasionally some Persian words. It may be said, that the favorable political and economic conditions of the Jews in Babylonia contributed much to the wholeness and completeness of the Babylonian Talmud.



## TALMUDICAL SCHOLASTICISM

“TALMUD” תלמוד, is a term that signified first a method, before it became the name of a book. The Mishna, as we remember, contains little of discussion or argumentation; it is in the majority of cases, content to state a point of law, without indicating the process by which the law was evolved.

The Talmudic method is concerned with retracing the law as stated in the Mishna, to its source, which assumedly must be found in Scripture. Not a sentence escapes the notice of the expounder, the reason of every remark must be established. מאי טעמא “What is the reason?” “Whence do we have this?” מנין is a constant query. Sometimes the exegesis of the Bible word is forced, unnatural, if the origin is found to lie in Scripture. Much may be ascribed to the love of scholasticism and discussion.

We will try to follow one of these Talmudic discussions. Let us take for example the first paragraph of the third chapter of the treatise Sanhedrin. The Mishna reads as follows:

“In civil suits the court must consist of three persons. Each party chooses one judge while the third is chosen by the two judges. According to Rabbi Meir the third is chosen by both parties. Rabbi Meir gives each party the right to object to the other party’s judge. The other scholars grant the right only in the case where it is proved that one party is morally disqualified; no judge who is morally qualified or licensed can be objected to. According to Rabbi Meir, each party may object to the other party’s witnesses; according to the other scholars, only when it is proved that the witnesses are morally disqualified; witnesses morally qualified can not be ruled out of court.”

So far the Mishna. Now begins the discussion. It is asked, How can any one object to a competent duly

licensed judge? Rabbi Meir has in mind Syrian Courts, i. e., judges who are known as incompetent. It follows from this answer that Rabbi Meir would not allow any one to object to competent judges. It is pointed out that Rabbi Meir's colleagues in the Mishna state it as their opinion that competent judges cannot be objected to; hence Rabbi Meir apparently is of the opinion that all judges, even such as are competent may be objected to. So the original question remains. How can Rabbi Meir reasonably hold such an opinion?

The master meets the objection by resorting to textual emendation. In the opinion of Rabbi Meir's colleagues he proposes to read, "No judge who is morally qualified can be objected to for he is just as good as one duly licensed." According to this reading, of course, Rabbi Meir as well, is of the opinion that licensed judges cannot be objected to; the controversy turns about judges who are not licensed, but are otherwise morally qualified; according to Rabbi Meir they may be rejected by one of the parties, while according to the other scholars they are just as good as licensed judges, and are therefore not open to objection.

One of the students quotes an extraneous source according to which Rabbi Meir's colleagues, in the course of argumentation with him, made the remark, You will not allow anyone to object to a duly licensed judge! It follows that the controversy really turned about licensed judges. So the original question remains, How can Rabbi Meir reasonably hold such an opinion? The master who holds that Rabbi Meir never permitted the rejection of duly licensed judges claims that the student misquoted his source and that the remark of Rabbi Meir's colleagues should read: "You will not allow anyone to object to a judge who is accepted by a community as competent (although not duly licensed)." The master even quotes a source of real authority as that adduced by the student where Rabbi Meir is made to say, "One has a right to object until a judge is chosen who is duly licensed." But the students are none the less unyielding. They reason by

analogy and bid the master look at the second part of the paragraph just read. Witnesses, they say, unless related or morally disqualified, are fully competent, as much as a judge who is duly licensed is in his sphere. Yet Rabbi Meir grants the litigants the privilege of rejecting witnesses not related and morally qualified. Hence Rabbi Meir is evidently of the opinion that even a licensed judge may be rejected. The Master is ready with his reply. He quotes an older Talmudic scholar, who, when reading our paragraph remarked: "Is it possible that a holy mouth should have uttered such a thing (that fully qualified witnesses may be rejected?) Read—"witness" (each party may object to the other party's witness, SINGLE, witness." Accordingly two witnesses, provided they are qualified, cannot be rejected, even according to the opinion of Rabbi Meir, therefore, in the analogous case, a judge who is duly licensed will be declared by Rabbi Meir not less than his colleagues to be above objection. Rabbi Meir's statement was made to read: "Each party may object to the other party's single witness." The students then proceed to inquire whether a single witness is not sufficient per se, independently of the objections of a litigant. The above is an example of Talmudic scholasticism and casuistry, and if you will multiply discussions like the above by the number of paragraphs and the smaller divisions contained in the Mishna, you will have a pretty fair conception of the bulk as well as of the character of the matter in the Talmud—The Talmud as a book.

## THE TALMUD ON DREAMS

MAN through the centuries of his development has endeavored to account for these strange phenomena of his sleeping hours which we call dreams. The phenomenon of dreams has not only occupied the minds of the superstitious, but it has engaged the careful attention and earnest study of the scientist as well as the scholar, by reason of its points of contact with other mental conditions. A scientific study of dreams proves that there is a similitude between the suspension of the higher mental activities, known as the dreaming state, and the instinctive state of human development observed in the lower orders of human and animal life. But though this phenomenon might seem to the average man of today to be a "state of mind" yet we find the Talmud has endeavored to give an explanation of the observed facts. Let us then briefly see what the Rabbis have to say on the subject.

In one passage we find that the Rabbis are of the opinion that we dream at night of what we think in the day-time. Rabbi Jehonathan said, "It is the thought of his heart during the day which appears to a man in a dream; for it is said, 'As for thee, O king, thy thoughts come unto thy mind upon thy bed' ". (Dan. 2, 20; Berachoth 110).

„אין מראין לו לאדם אלא מהרהורי לבו שנאמר, אנת מלכא רעיונך על משכבך סליקו." (דניאל ב, כ"ט; ברכות נ"ה, ב).

Rava observed, "It must be so for they never show to a man, a golden tree or an elephant passing through the eye of a needle." (Berachoth 55-b). „תדע דלא מחוו ליה לאינש. לא דקלא דרהבה, ולא פילא דעייל בקופא דמחטא" (ברכות נ"ה, ב).  
inasmuch as man never thinks of these.

The expression, "thoughts of his heart," "מהרהורי לבו," sounds like an anticipation of the Freudian theory of "wish-fulfillment." Was Professor Freud acquainted with this interpretation of dreams in the Talmud, and if so,



may he not possibly have been unconsciously influenced thereby?

A further utterance of the kind we have referred to is to be found in several other passages of the Talmud one of which reads as follows: "Caesar said to Rabbi Joshua bar Chananyah: "You say that you are exceedingly wise; tell me what I shall see in my dream." He replied: "You shall dream that the Persians will make you work for them, spoil you, and make you tend cattle with a golden crosier." He thought of it the whole day and saw it at night." (Berachoth 56-a).

אמר ליה קיסר לר' יהושע בר חנניה אמריתו דחכמיתו טובא אימא לי מאי חזינא בחלמאי אמר ליה חזית דמשחרי לך פרסאי וגרבי בך ורעיין בך שקצי בחוטרא דדהבא, הרהר כוליה יומא ולאורתא חזא. (ברכות נ"ו, א).

The Talmud has still another passage, as proof of the above, in the following: "Shevur, the King of Persia, once said to Samuel the Babylonian, "You say that you are exceedingly wise; tell me what I shall see in my dream?" He replied, "You shall see the Romans come and take you prisoner and compel you to grind date-kernels with golden grinders." He thought of it the whole day and saw it at night." (Berachoth 56-a).

„אמר ליה שבור מלכא לשמואל אמריתו דחכמתו טובא אימא לי מאי חזינא בחלמאי אמר ליה חזית דאתו רומאי ושבנו לך ומחנו בך קשייתא ברחייתא דדהבא, הרהר כוליה יומא ולאורתא חזא. (ברכות נ"ו, א).

In two cases we find that dreams accurately foretold events that were to occur in the lives of several of the Rabbis. "Ben Danah, the son of Rabbi Ishmael's sister, said to his uncle: "I have seen in a dream both my cheeks drop off." The latter replied: "Two Roman military bands have resolved to do thee mischief, but they died." (Berachoth 56-b).

„שאל בן דמא בן אחותו של ר' ישמאל את ר' ישמאל, ראיתי שני לחיי שנשרו אמר שני גדודי רומי יעצו עליך רעה ומתו." (ברכות נ"ו, ב).

Bar Kuppura said to Rabbi Judah ha-Nasi: "I have seen in my dream my nose drop off." The Rabbi replied:

"Some one's anger against thee has been subdued." "I have seen in my dream both my hands cut off." He replied: "Thou wilt be spared manual labor." (Berachoth 56-b).

„אמר ליה בר קפרא לרבי, ראיתי חוטמי שנשר אמר ליה חרון אף נסתלק ממך, אמר ליה ראיתי שני ידי שנחתכו אמר ליה לא תצטרך למעשה ידיך".  
(ברכות נ"ו, ב).

Various counsels are given by the Rabbis as to what is to be done in the case of a dream being forgotten or left uninterpreted. The following would take place when a dream was forgotten, according to the interpretation of Mar Zutra and Rabbi Ashi: "Whosoever has had a dream and cannot call it to mind, let him stand before the priests when they spread out their hands to bless the people and say: "Lord of the Universe, I am Thine and my dreams are Thine; I have dreamed a dream and know not what it is; whether I have dreamed about myself, whether my neighbors have dreamed about me, or whether I have dreamed about others. If the dreams are good, strengthen and confirm them, like the dreams of Joseph, if they require healing, heal them as the bitter waters were healed by Moses, as Miriam was healed of leprosy, Hezekiah of his illness, and the waters of Jericho by Elisha, and as Thou didst turn the curse of the wicked Balaam into a blessing, so turn all my dreams for the good." (Berachoth 55-b).

„האי מאן דחזא חלמא ולא ידע מאי חזא, ליקום קמי כהני בעידנא דפרסי ידיהו ולימא הכי, רבש"ע אני שלך וחלומותי שלך חלום חלמתי ואיני יודע מה הוא בין שחלמתי אני לעצמי ובין שחלמו לי חבירי ובין שחלמתי על אחרים, אם טובים הם חזקם ואמצם כחלומותיו של יוסף ואם צריכים רפואה רפאם כמו מרה על ידי משה רבנו וכמרים מצרעתה וכחזקיהו מחליו וכמו ידיחו על ידי אלישע, ובשם שהפכת קללת בלעם הרשע לברכה, כן הפוך כל חלומותי עלי לטובה." (ברכות נ"ה, ב).

While the Rabbis at various times stated that dreams were of comparatively small significance, and in many cases that little attention was to be paid to them, yet I have found an instance when the Rabbis urge the inter-

pretation of dreams. For according to Rabbi Chisda "A dream not interpreted is like a letter not read." (Berachoth 55-a).

„אמר רב חלמא דלא מפשר כאגרתא דלא מקריא." (ברכות נ"ה, א).

It is of no consequence, says Rashi, for all depends upon the interpretation. Rabbi Chisda further says: "Neither a good dream nor a bad dream is wholly realized;" (Berachoth 55-a).

„ואמר רב חסדא לא חלמא טבא מקיים כוליה ולא חלמא בישא מקיים כוליה" (ברכות נ"ה, א).

Again, "a bad dream is better than a good dream; for a bad dream is neutralized by the sadness it causes, and a good dream is realized by the joy it brings."

„ואמר רב חסדא חלמא בישא עציבותיה מסתייה חלמא טבא חדיוה מסתייה." (ברכות נ"ה, א).

We see then that although some Rabbis regarded dreams as of no consequence, yet some, on the other hand, were able to foretell future events as well as ward off hardships that were to come upon them. Although dreams in general are made little of, yet people from the earliest times to the present day have believed in them as something more than the result of a full stomach or a cherished thought.

## THE TALMUD ON CHARITY

"CHARITY" was one of the great ideals cherished by the Rabbis of the Talmud and they have left us an inspiring record of what they thought about this ideal and how they lived up to it. The Talmud taught that charity is an act of duty incumbent upon all to provide for those in want. The Hebrew word for charity is "Zedakah" צדקה, which means righteousness in so far as God, the giver of all blessings, claims for his gifts a share for the poor, and, as the actual owner of the land, claims certain portions of the produce for the fatherless and the widow, the Levite and the stranger. Charity to their point of view, was an assessment upon the rich in favor of the poor. The helpless has a right to claim the help of his more fortunate brothers. The cry of the distressed is an appeal to human compassion which must be responded to lest the "Merciful God who doth execute the judgment of the fatherless and the widow hear it and punish those who remain deaf to the call of duty."

We find that Rabbi Chiya advised his wife, "When a beggar comes, hand him bread, so that the same may be done to your children." She replied, "You are cursing them." He replied, "There is a wheel which revolves in the world." (Sabbath 151 B).

„אמר לה רבי חייא לרביתו כי אתו עניא אקדימי ליה ריפתא כי היכי דלקדמו לבניך אמרה ליה מילט קא לייטת להו אמר לה קרא קא כתיב כי בגלל הרבר הזה ותנא רבי ר' ישמעאל גלגל הוא שחזור בעולם." (שבת קנ"א, ב).

It however would be wrong to conclude from the above that charity was prompted only by interested motives. There are numerous passages in the Talmud which demonstrate that charity was prized for its own sake as a supreme virtue; for example:

"Greater is he who practices charity than all the sacrifices." (Succah 49 B).

„גדול העושה צדקה יותר מכל הקרבנות." (סוכה מ"ט, ב).



"Charity is equal to all the other precepts put together." Baba Bathra 9 A).

„שקולה צדקה כנגד כל המצות" (בבא בתרא ט, א).

"Whosoever practices charity and justice is as though he filled the whole world with loving kindness." (Succah 49 B).

„כל העושה צדקה ומשפט כאילו מלא כל העולם כולו חסד" (סוכה מ"ט, ב).

"Most important of all, true charity is practiced in secret, the best type of giving is where "a person gives a donation without knowing who receives it, without being known who donated it." (Baba Bathra 10b).

„נותנה ואינו יודע למי נותנה נטלה ואינו יודע ממי נטלה" (בבא בתרא י, ב).

And above all the Talmud advises never to embarrass the poor. "He who exercises kindly consideration when giving aid, will be rewarded with much greater blessings." (Ibid 9-b).

„והמפייסו בדברים מתברך בי"א ברכות." (שם ט, ב).

The Talmud teaches that when giving charity and helping suffering humanity there must be no distinction between race or creed. The following, which is binding to all Jews, demonstrates the trend of Rabbinic thought on the subject, "The poor of non-Jews are to be maintained with the poor of Israel; the sick of the Gentiles are to be tended and nursed like the Jewish sick; the non-Jewish dead are to be buried with the same care and dignity as those of Israel, for that is the way leading to peace." (Gittin 61 A).

„מפרנסין עניי נכרים עם עניי ישראל ומבקרין חולי נכרים עם חולי ישראל וקוברין מתי נכרים עם מתי ישראל מפני דרכי שלום." (גיטין ס"א, א).

In relieving distress we must never inquire the nationality or creed of the sufferer, the only question which should concern us, should be the best method of helping him. These Talmudic laws show the Rabbinic trend towards brotherhood and universal peace. Our sages were desirous that everyone cultivate the habit of giving, and

they commanded that, "Even the poor depending on charity should give charity." (Gittin 7).

„אפילו עני המתפרנס מן הצדק יעשה צדקה." (גיטין ז).

The same thought is expressed in the Zohar. "The moon receives light from the sun, yet the moon gives forth light, so should one though he depends on charity give charity."

„סיהרא לא אית לה נהורא מדילה אלא מה דיהיב לה שמשא בכל זה היא תתן אורה בלילה." (זוהר קי"ט, בחוקתי).

The only distinction the sages made in regarding charity was, when the question arose as to whom charity should be given first, when the poor of another city and community, are in distress, and they decided that your own poor come first. "Thine own poor and the poor of the community should have your first interest." (Baba Metzia 71).

„ענייך ועניי עירך ענייך קודמים, עניי עירך ועניי עיר אחרת עניי עירך קודמים." (בבא מציעא ע"א).

This corresponds with our modern saying "Charity begins at home."

There must be sympathy and understanding in charity by both giver and receiver. To make this point clear the Rabbis of the Talmud give a symbolic interpretation of the character of the alphabet put in the mouth of children who visited the academy. They muse whimsically on the forms of the letter "Gimel"—"ג," and "Daled"—"ד," The two letters together mean "Gemol (גמל דלים) Show kindness to the poor." Why does the Gimel go out toward the Daled? Because it is the way of the benevolent to go after the poor. Why is the foot of the Daled turned toward the Gimel? That the Daled, the poor, should be on hand, they should not make it necessary for the benevolent to run after them. Why is the face of the Daled turned away from the Gimel? That the help should be given to the poor secretly, causing no embarrassment.

The view of the Talmud was that charity led to brotherly love, it also gave the rich an opportunity to do good. We are told in the Talmud that Rabbi Akiba was asked by Tinnius Rufus, the Roman Governor, "Why does not your God, being the lover of the needy, himself provide for their support?" Because "God desires to give the rich and opportunity in doing good; being the father of both the rich and the poor God wants the one to help the other, and thus make the world a household of love," replied the Rabbi. "How do you know?" the Governor rejoined, "that this virtue pleases God since no master can be pleased if a person aids a slave, whom he has seen fit to deprive of food and clothing?" "Even so," said Rabbi Akiba, "But if the King for some offense had deprived his son of food and drink and a person had prevented the prince from dying of hunger, would the King be angry with that person? Certainly not, neither will God be displeased with those who dispense charity to His children, even to the fallen and sinful."

So we learn from the Talmud that our worldly possessions are given to us in trust by God, so that we may serve mankind and promote its welfare and happiness, for helping to alleviate the suffering of God's children brings great and true happiness, and thereby glorifies God's name.

## THE TALMUD ON MATRIMONY

THE whole tendency of the Talmud is in favor of matrimony. Marriage has at all times been regarded by the Jew as the most important and the most sacred of all human relations. It is the origin of all other relations of life, and forms the foundation of human society.

The old Jewish custom was as follows: on the fifteenth day of Av, and also on Yom Kippur, the young girls gathered in the vineyard, clad in festive white garments. There they danced and sang songs of the happiness of wedlock, the men joining in the chorus. The songs extolled the good qualities of the maidens, warning the listeners not to choose a bride for riches, rather for virtue. (Mishna Tanith 4, 8).

אמר רשב"ג לא היו ימים טובים לישראל כחמשה עשר באב וכיום הכיפורים שבהן בנות ירושלים יוצאת בכלי לבן שאולין שלא לבייש את מי שאין לו... יוצאות וחולות בכרמים, ומה היו אומרות בחור שא נא עיניך וראה מה אתה בורר לך אל תתן עיניך בנוי, תן עיניך במשפחה וכ"ו. (תענית פרק ד, ח).

An interesting feature of these festive gatherings, was the thoughtful charity exercised toward the poor, for in order that no one should find out by the attire, which of them was poorer or richer, every girl had to borrow the white garments from another one. (Taanith 4, 8).

The Talmud advocates marriage, and one who does not marry is not even considered as a man. Rabbi Eleazar says, "The Jew who has no wife is not a man; for it is written (Gen. V-2) Male and female created He them, and called their name man." (Yevamoth 63-A).

„כל אדם שאין לו אשה אינו אדם שנאמר וזכר ונקבה בראם ויקרא את שמם אדם." (יבמות ס"ג, א).

The sages of the Talmud also state "the Jew that has no wife abideth without joy, without a blessing and without any good." (Yevamoth 62-B).

„כל אדם שאין לו אשה שרוי בלא שמחה, בלא ברכה, בלא טובה." (יבמות ס"ב, ב).



As respecting a wife the law warns that "A man should take great care to show due honor to his wife, for only in her sake do blessings come to his home." (Baba Metziah 59-a).

"לעולם יהא אדם זהיר בכבוד אשתו, שאין ברכה מצויה בתוך ביתו של אדם אלא בשביל אשתו." (בבא מציעא נ"ט, א).

There are many Talmudical sayings that refer to the obligation of the husband to deal gently with his wife; he shall treat her with great consideration, and he shall beware of vexing his wife. "A man shall beware vexing his wife for easily flow her tears and God takes account." (Baba Metziah 59-A).

"לעולם יהא אדם זהיר באונאת אשתו שמתוך שדמעתי מצויה אונאתה קרובה." (בבא מציעא נ"ט, א).

The Jewish sages commanded the husband "To love her as himself, to honor her more than himself, to guide his children in the right way, and to give them in marriage at the right time, and if he complies, then of him it is written, "Peace will be in thy tent." (Yevamoth 62-B).

"האזהב את אשתו כגופו והמכבדה יותר מגופו, והמדריך בניה ובנותיו בדרך ישרה, והמשיאן סמוך לפרקן, עליו הכתוב אומר—וידעת כי שלום אהליך." (יבמות ס"ב, ב).

A husband was obligated "to protect, to support and to honor his wife, as prescribed in the marriage document" the Kesubah—(כתובה) which begins thus: "Be thou my wife according to the laws of Moses and Israel, and I will work for thee, honor thee, support thee, and provide for thee according to the custom of Jewish husbands, who work for, honor and support their wives and provide for them in verity."

(הוי לי לאינתא כדת משה וישראל ואנא אפלה ואוקיר ואיוון ואפרנס יתיכי ליכי כהלכות גוברין יהודאין דפלחין ומוקירין וזנין ומפרנסין לנשיהון בקושטא).

The Rabbis of the Talmud had a lofty view of marriage. The main quest was not a blind obedience on the part of the wife; what was required of her were morals

and morality. Marriage to them meant a loving alliance, a union of purpose and aspiration. The wife was not the slave of her husband, but as God himself calls her—"his helpmate." (עזר כנגדו) Her place is at his side; love and peace she shall spread around him like a sheltering canopy. His house, says the Talmud, that is his wife. For as Rabbi Yose says, "I never call my wife, 'wife', but my 'house.'" (Gittin 52-a).

„א"ר יוסי מימי לא קריתי לאישתי אשתי . . . אלא לאשתי ביתי." (גיטין נ"ב, א).

The Bible gives a direct command for marriage, "be fruitful and multiply and replenish the earth." (Gen. I:25) (פרו ורבו ומלאו את הארץ). The Talmud regards the woman being still in some way imperfect. She attains her perfection in marriage; and in so far as she decides to remain unmarried she can never fulfill her proper vocation in life. Only by the side of her husband and in union with him does she fully perform her task as a woman and as a Jewess. Although the scope of woman's activity in Jewish life has been extensive, yet her chief distinction lies within the confines of her home. There her genius is at its best and her influence at its noblest.

The Rabbis advise that a husband should always take counsel with his wife. He should not consider himself too superior to consult with his wife on all his affairs. They say, "If thy wife be short, bend down to ask her counsel." (Baba Metziah 59. (איתתך גוצא נחין ותלחוש לה. ב"מ נ"ט, א. This corresponds with the conviction of the Rabbis of the Talmud that the Creator endowed women with an intelligence superior to man's. (Niddah 45-B).

„ויבן ד' את הצלע מלמד שנתן הקב"ה בינה יתירה באשה יותר מבאיש." (נדה מ"ה, ב).

Dr. Lazarus tells us that productive Talmudical wisdom flourished and reached its highest development in the time of the lowest abasement and severest misfortune of the people. The oral law regarding matrimony was supplemented after the destruction of the state, and

numerous institutions and regulations were added. Family life was severely menaced in those times. The men either were dispersed by becoming prisoners of war, by betrayal and persecution; or they became destitute and were forced to go abroad in order to gain the necessities of life. At that time many ordinances were being passed in favor of women who suffered most by these misfortunes.

Special regulations were established which enabled women to form new matrimonial bonds. These regulations were mostly passed in order "that the wife should not remain lonely." It is due to Talmudical wisdom, to the clear insight into, and regard for, the demands of human nature by the Jewish sages, that morals and chastity were preserved among the Jews, even during those times of horror when the disintegration of the Roman Empire and the migration of nations destroyed many nations and tribes, not by war alone, but by the demoralization of private life. This demoralization destroyed and annihilated nations of whom, despite their world governing greatness, nothing remains but their names.

This has proven—it cannot be repeated too often—that Jews have suffered more severely and more cruelly by wars than any other nation; but, among them, the innermost living germ of morality, strict discipline and family devotion were at all times preserved. It was woman who fostered and kept intact this living germ of morality. The wonderful and mysterious preservation of the Jewish people is due to the Jewish woman. This is her glory; not alone in the history of her own people, but in the history of the world.

## THE TALMUD ON ASTROLOGY AND ASTRONOMY

THE RABBIS of the Talmud seem to treat astrology as a science which governs the life of man." The stars make men wise, the stars make men rich," says Rabbi Channina. (Shabbath 156.1).

„רבי חנינא אומר מול מחכים, מול מעשיר." (שבת קנ"ו, א).

"A man born on the first day of the week will excel in only one quality." (Ibid).

„האי מאן דבחד בשבא יהי גבר ולא חדא ביה."

"He that is born on the second day of the the week will be an angry man, because on that day the waters were divided." (Ibid).

„האי מאן דבתרי בשבא יהי גבר רגזן מ"ט משום דאיפליגו ביה מיא."

"He that is born on the third day of the week will be rich and licentious, because on it the herbs were created." (Ibid).

„האי מאן דבתלתא בשבא יהי גבר עתיר וזנאי מ"ט משום דאיברי ביה עשבים."

"He that is born on the fourth day of the week will be wise and of good memory, because on that day the lights were hung up." (Ibith).

„האי מאן דבארבעה בשבא יהי גבר חכים ונהיר מ"ט משום דאיתלו ביה מאורות."

"He that is born on the fifth day of the week will be charitable, because on that day the fishes and fowls were created." (Ibid).

„האי מאן דבחמשה בשבא יהי גבר גומל חסדים מ"ט משום דאיברי ביה דנים ועופות."

"He that is born on the sixth day of the week will be a faithful follower of the commandments." (Ibid).

„האי מאן דבמעלי שבתא יהי גבר חזרן."

"He that is born on the Sabbath, on the Sabbath he shall also die, because on his account they profaned the great Sabbath day." (Ibid).

„האי מאן דבשבתא יהי בשבתא ימות."



However, Rava says: "He shall be eminently holy." (Ibid).

„אמר רבא בר שיאל וקדישא רבא יתקרו“.

Rabbi Channina says: "The influence of the stars makes wise, the influence of the stars makes rich, and Israel is under the influence of the stars."

„רבי חנינא אמר מול מחכים מול מעשיר ויש מול לישראל“.

Rabbi Jochanan says: "Israel is not under the influence of the stars. Whence is it proved? "Thus saith the Lord, learn not the way of the unbeliever, for the unbelievers are dismayed at them." (Ibid).

„רבי יוחנן אמר אין מול לישראל“.

Astronomical and Astrological influences were also incriminated in the causation of disease, but on the whole the weight of Rabbinical authority was against this popular view of its origin, for it seemed to the Rabbis that if the stars in their courses could control the issues of health and disease in the individual, there could be but small scope for human agency in coping with illness, for they did not subscribe to the view that the course of a disease was already predestined.

Regarding the circuits of the sun, the Rabbis of the Talmud taught, that it makes four quarterly circuits. In April, May and June; i. e., Nisan, Iyar and Sivan, the sun's circuit is between the mountains in order to dissolve the snow; in July, August and September; i. e., Tamuz, Ab and Ellul, אב, אלול, his circuit is over the habitable parts of the earth, in order to ripen the fruits; in October, November and December; i. e., Tishri, Marchesvan and Kislev, כסלו, his circuit is over the seas to evaporate the waters; in January, February and March; i. e., Tebeth, Shevat and Adar, אדר, his circuit is over the desert, in order to protect the seed sown from being scorched. (Psachim 94 B). (פסחים צ"ד, ב).

## THE TALMUD ON ANATOMY

**T**HE Talmud explains the anatomy of the human being as follows:

The Rabbis state that there are 248 "members" of the body. It is obvious from the context that a "member" consisted of bone and attached muscle or tendon. The enumeration is made up as follows: face 30, ankle 10, leg 2, knee 5, thigh 1, hip 3, ribs 11, hand 30, forearm 2, elbow 2, arm 1, shoulder 4. These members amount to 100 on each side, the unpaired bones are as follows: spine 18, head 9, neck 8, thorax 6, and ovifices 5. (Ohaloth 1, 8).

מאתים וארבעים ושמונה אברים באדם, שלשים בפיסת הרגל, ששה בכל אצבע, י' בקורסל, ב' בשוק, חמשה בארכובה, א' בירך, שלשה בקטלית, אחד עשר צלעות, שלשה בפיסת היד, ששה בכל אצבע, ב' בקנה, וב' במפרק, א' בזרוע, וד' בכתף, ק"א מזה וק"א מזה, ושמונה עשר חוליות בשררה, תשעה בראש, שמונה בצוואר, ששה במפתח של לב, וה' בנקביו. (אהלות א, ח).

Physiologically the Talmud explains how every function of every organ was designed by God for man's well-being and to prolong his life on earth. The Rabbis of the Talmud taught that "The veins prompt thought, the heart exercises intelligence, the tongue pronounces, the mouth completes the enunciation of the words. The gullet lets in and brings out all kinds of food, the wind-pipe produces voice, the lungs absorb all kinds of liquids, the liver arouses anger, the gall lets a drop fall upon it and stills it, the milt produces laughter, the large intestine grinds the food, the maw induces sleep, and the nose awakens from sleep. Should the organ which induces sleep arouse from sleep, or should the organ which arouses from sleep induce sleep, the person pines away. Should both of them induce sleep or arouse from sleep simultaneously, one immediately dies." (Berachoth 61, a-b).

The Rabbis of the Talmud speak of the bone "luz" or "Coccyx". It was said to be part of the body where its resurrection started. It is so indestructible, they say,

that water would not soften it, nor could it be ground in a mill; if beaten on an anvil, the hammer breaks and the anvil splits. (Midrash Koheleth).

In a discussion regarding "Obstetrics" the Rabbis of the Talmud came to the following conclusion, that during the first three months of pregnancy, the child lies in the lower part of the uterus, during the next three it occupies the middle part, and during the last three it is in the upper part; and that when the time of parturition comes, it turns over first and then causes the birth-pains. They also taught that the pains caused by a female child were greater than those caused by a male. (Niddah 31a).

There are three, says the Talmud, that have a share in a man; God, and his father and mother. The father's part consists of all that is white in him—the bones, the veins, the nails, the brain, and the white of the eye. The mother's part consists of all that is red—the skin, the flesh, the hair, and the dark part of the eye. God's part consists of the breath, the soul, the physiognomy, sight and hearing, speech, motive power, knowledge, understanding and wisdom. And when the time comes that the man should depart from the world, God takes away his part and leaves those which belong to the father and mother. Rav Pappa says "This is the meaning of the proverb 'Shake off the salt and throw the flesh to the dogs.'"

Rashi's explanatory note is this, "Shake off the salt from the flesh and it becomes only fit for dogs. The soul is the salt which preserves the body; when it departs the body putrefies." (Niddah 31a). (נדה ל"א, א.)

The Rabbis of the Talmud were greatly interested in and very familiar with anatomy, especially surgical anatomy of the neck and the cervical blood-vessels because this was the region concerned in the slaughtering of animals for food "Shechitah" "שחיטה" and it was imperative that the process should be carried out with rigid regard to the method commanded by law, in order that there should be a total absence of suffering; and also for

sanitation it was necessary for them to know what diseases or injuries were inconsistent with normal duration of life, since the discovery of such lesions during the examination "בריקה" in the carcass of an animal ritually slaughtered would render the animal unfit for Jewish consumption. Today science has proved that ritual slaughter and meat inspection are two of the most beneficial measures which have been inaugurated in Jewish life. It is indeed interesting to find a Talmudic record of a "post mortem" examination in an animal to verify a diagnosis. There was a lamb that had paralysis of its hind legs. Rabbi Yemar and Ravinah diagnosed the case. Rabbi Yemar said it was sciatica. Ravinah believed it to be disease of the spinal cord; however, "post mortem" examination confirmed Ravinah's diagnosis. (Chulin 51a).

ההיא אימרתא דהוה בי רב חביבא דהוה שדרן כרעיה בתרייתא, אמר רב ימר  
האי שיגרונא נקטיה מתקיה לה רבינא ודלמא חוט השדרה איפסיק בדקוה  
אשכחוה כרבינא. (חולין נ"א, א).



## THE TALMUD ON MEDICAL PRACTICE

**D**URING the Talmudic period the practice of medicine was an officially recognized profession. The practitioner was known as a רופא "Rofeh"—healer. He treated internal diseases, dental and ophthalmic diseases, nervous disorders, and also performed operations.

Treatment of injuries was a definite Biblical behest. אם יקום והתהלך בחוץ על משענתו ונקה המכה רק שבתו יתן ורפא ירפא. (Exodus XXI:19). This command raised the whole idea of medical treatment to the plane of moral and religious duty.

For a somewhat different interpretation of the same verse, see Berachoth 60-a and Baba Kama 85-a.

The Talmud speaks also of the midwife, as she was permitted to transgress the Sabbath laws when circumstances demanded, in her practice of Obstetrics; and in different cases they would consult with the physician, but it seems that the physicians did not themselves practice this branch of medicine.

It is evident that the economic aspect of medicine received a due share of consideration, for according to the Talmud, there was some sort of system of contract payment, some form of insurance for medical attention. There were no official appointments of medical men, though it is recommended not to live in a town which has no doctor.

The Talmud gives a brief word picture of the professional visit of the רופא —healer or physician.

"He takes the hand of the patient, presumably feels the pulse, and turns to the friends with the pronouncement that the patient can have anything he likes to eat because he is going to die anyhow." This opinion, expressed somewhat casually, might have been arrived at after an elaborate and painstaking diagnosis. A very interesting example of a method of diagnosis is by means of an egg, which is dipped 100 times in hot water and 1,000 times in cold water until it becomes so small that

it can be swallowed! It is then administered to the patient whose case is to be diagnosed. If there is any disease present it becomes attached to the egg, and when the egg passes, the physician can ascertain by inspection what medicament is necessary to cure the disease.

The Talmud believed the study of medicine to be of great importance and value, and it relates the following incident: Rabbi Huna asked his son Raba why he did not attend the lectures of Rabbi Hisda. "Because," replied the son, "he only treats of temporal and wordly concerns." "What," said the father, "he occupies himself with that which is necessary for the preservation of human beings (for Rabbi Hisda's lecture happened to be on medicinal subjects). And this you call worldly affairs! Trust me, medicine is among the most estimable of studies." (Sabbath 82a).

Regarding the doctor's fees the Talmud tells of Abba Umna, who was a surgeon, that he never accepted payment for his services directly, he had a box placed in a corner of his consulting room so that those who could afford and felt inclined to pay, could put the money in that box. This method was used in order not to embarrass those who could not afford to pay, and when he discovered a very poor patient he gave him some money in addition to free treatment and medicine. (Taanith 22).

Regarding the practice of medicine, it is related that Rabbi Akiba was giving some medical advice to a patient, when a stranger protested, and asked Rabbi Akiba, "Who has afflicted this man with such disease?" "God," replied the Rabbi. "You say God, and you take upon yourself a thing which does not belong to you. God afflicts and you profess to heal!" To this Rabbi Akiba offered the following characteristic rejoinder: "What is your occupation?" "I am a husbandman." "Who created the earth which produces fruits?" "God." "Then why do you appropriate to yourself a thing that does not belong to you? He created the earth and you reap the fruits! And why do you pluck out the bad roots, the weeds, since God

wanted them to grow? The life of man is as an herb; it flourishes as a flower in the field, like a plant that will not grow unless it is manured and cultivated; and in order to live and thrive, it has to be refreshed with water. In the same way, the body of the patient is the plant and the husbandman is the physician." (Midrash Samuel 4). So according to the Talmud's teaching, man in order to thrive must take care of his body as well as his soul which was created by God, and if he neglects it, he is bound to suffer the consequences. If the sufferer does not know how to take care of himself, he must resort to the advice of those who do, namely, the physician. As the Psalmist says, "And He sends His word and heals them." (Ps. 107). „ישלח דברו וירפאם" (תהלים ק"ז, ב). Rabbi Akiba explains that the word of God in the above passage refers to the healing angel, the physician.

Regarding the performing of operations we find that the Talmud repeatedly mentions a marble room in which operations were performed; also a sort of narcosis is mentioned. The Talmud tells of Rabbi Yishmoel and Rabbi Eleazar, that they were so fat, so corpulent, that when they stood face to face a pair of oxen could pass under them without touching them. (Babba Metzia 84 a). „כי הוו מקלעי ר' ישמעאל ברבי יוסי ור' אלעזר ב"ר שמעון בהדי הדדי הוה עייל בקרא דתורי בינייהו ולא הוו נגעה בהו". (בבא מציעא פ"ד, א). However, one of them submitted to an operation. He was given a sleeping potion and was taken to the marble room, where an abdominal operation was performed for the removal of his excessive fat.

## THE TALMUD ON DIET, HEALTH AND MEDICINE

THE following things cause hemorrhoids, says the Talmud: "Eating cane leaves, the foliage and tenderils of the vine, the palate of cattle, the backbone of fish, half cooked salt fish, wine lees, etc." (Berachoth 55.1).

עשרה דברים מביאין את האדם לידי תחתוניות, האוכל עלי קנים ועלי גפנים ולולבי גפנים ומוריגי בהמה ושדרו של דג ודג מליח שאינו מבושל כל צרכו והשותה שמרי יין וכ"ו. (ברכות נ"ה, א).

"Ten things provoke a desperate relapse in a convalescent: Eating beef, fat meat, broiled meat, fowl, or roasted eggs, shaving, eating cress, taking milk or cheese, or indulging in a bath." (Berachoth 57.2).

עשרה דברים מחזירין את החולה לחליו וחליו קשה אלו הן. האוכל בשר שור בשר שמן בשר צלי בשר צפרים וביצה צלויה ותגלחת ושחלים והחלב והגבינה והמרחץ. (ברכות נ"ו, ב).

Some say also: Eating walnuts, others say, Eating cucumbers, which are as dangerous to the body as swords. (Ibid).

ויש אומרים אף אגוזים, ויש אומרים אף קשואין, תניא דבי ר' ישמאל למה נקרא שמן קשואין מפני שהם קשים לגוף כחרבות. (ברכות נ"ו, ב).

The Rabbis have taught that a small salt fish will cause death if partaken of after seven, seventeen, or twenty-seven days; some say after twenty-three days. This is said with reference to half-cooked fish, but when properly cooked there is no harm in it. Neither does any harm result from eating half-cooked fish, if strong drink be taken after it. (Berachoth 44.2).

תנו רבנן דג קטן מליח פעמים שהוא ממית בשבעה בשבעה עשר ובעשרים ושבעה ואמרי לה בעשרים ושלושה ולא אמרן אלא במטוי ולא מטוי, אבל מטוי שפיר לית לן בה ודלא מטוי שפיר לא אמרן אלא דלא שתה בתרה שכרא אבל שתה בתריה שכרא לית לן בה. (ברכות מ"ד, ב).

Rav Mari reports that Rabbi Yochanan had said, "He who indulges in the practice of eating lentils once in thirty days keeps away quinsy, but they are not good to be eaten regularly because by them the breath is corrupted." (Berachoth 40.1).



אמר רב מרי רבי יוחנן הרגיל בערשים אחת לשלושים יום מונע אסכרה מתוך ביתו אבל כל יומא לא מ"ט משום דקשה לריח. (ברכות מ, א).

He also used to say that mustard eaten once in thirty days drives away sickness, but if taken every day the action of the heart is apt to be affected. (Berachoth 40.1).

„ואמר רב מרי אמר רבי יוחנן הרגיל בחרדל אחת לשלושים יום מונע חלאים בתוך ביתו אבל כל יומא לא מ"ט משום דקשה לחולשא דלבא". (ברכות מ, א).

The Rabbis have taught that "Dates are good after meals in the morning and in the evening, but hurtful in the afternoon; on the other hand, at noon they are most excellent, and an antidote to these three maladies: Evil thought, constipation and hemorrhoids." (Kethuboth 10.2).

„תמרים שחרית וערבית יפות, במנחה רעות, בצהרים אין כמותן ומבטלות שלשה דברים, מחשבה רעה וחולי מעיים ותחתוניות". (כתובות י, ב).

Beware of these three things, say the Rabbis, "Do not sit too much, for it brings on hemorrhoids; do not stand too much, for it is bad for the heart; do not walk too much, for it is hurtful to the eyes. But sit a third, stand a third, and walk a third." (Kethuboth 111.1).

זהוה בשלשה דברים, אל תרבה בישיבה שישיבה קשה לתחתוניות ועל תרבה בעמידה שעמידה קשה ללב ואל תרבה בהליכה שהליכה קשה לעינים. (כתובות קי"א, א).

The Rabbis tell us, "If one does not walk, say four cubits, before falling asleep after a meal, that which he has eaten, being indigestible, causes foulness of breath." (Sabbath 41.1).

„אכל ולא הלך ד' אמות אכילתו מרקבת וזהו תחלת ריח רע". (שבת מ"א, א).

Samuel said, "We know remedies for all maladies except three: That induced by unripe dates on an empty stomach; that induced by wearing a damp linen rope round one's loins; and that induced by falling asleep after meals without having first walked a distance of at least four cubits." (Baba Metzia 113.2).

דאמר שמואל כל מי לי ידענא אסותייהו לבר מהני תלת מאן דאכל אחינא

מרירא אליבא ריקנא ומאן דאסר מיתנא דכיתנא רטיבא אחרציה ומאן דאכיל נהמא ולא מסני ארבעה גרמירי. (בבא מציעא ק"ג, ב).

The spleen is good for the teeth but bad for the entrails. „טחול יפה לשנים וקשה לבני מעיים“.

Bran is bad for the teeth but good for the entrails.

„כרישין קשין לשנים ויפין לבני מעיים“.

What are the remedies? מאי תקנתיה?

The Talmud answers, the spleen should be chewed and thrown away, being injurious to the digestive system. „נלעסיה ונשרייה“

Bran, answers the Talmud, should be cooked well and swallowed, being injurious to the teeth. (Berachoth 44-b; Sabbath 110-a). (ברכות מ"ד, ב — שבת ק"י, א).

Those that eat cabbage before the fourth hour must not be spoken to. For what reason? because of the odor of the mouth. (Berachoth 44 b).

כל האוכל ירק קודם ארבע שעות אסור לספר הימנו, מאי טעמא משום ריחא. (ברכות מ"ד, ב).

Rashi explains, that since the fourth hour is not the usual time for a meal, the odor will be offensive to those who may talk with him, the stomach being otherwise empty at the time. The Talmud taught prevention, warning against the use of bran which is injurious to the teeth and prohibiting the use of cabbage because of the offensive odor, and also the cure advising the use of milt for the teeth to keep them in good condition.

One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved thereby, he need have no fear of the consequences. (Sabbath 111 a).

החושש בשיניו לא יגמע בהן את החומץ אבל מטבל כדרכו ואם נתרפא נתרפא. (שבת קי"א, א).

Six things are a certain cure for sickness: cabbage, beetroot, water distilled from dry moss, honey, the maw

and the matrix of an animal, and the edge of the liver. (Berachoth 57.2).

ששה דברים מרפאין את החולה מחליו ורפואתו רפואה אלו הן כרוב ותרדין וסיסין יבשין וקיבה והרת ויותרת הכבד. (ברכות נ"ו, ב).

These six things are good symptoms in an invalid: Sneezing, perspiration, evacuation, seminal emission, sleep and dreaming. (Berachoth 57.2).

ששה דברים סימן יפה לחולה אלו הן, עטוש זיעה שלשול קרי ושינה וחלום. (ברכות נ"ו, ב).

The Rabbis have taught thirteen things respecting breakfast, one of these thirteen is, it counteracts the effects of heat, cold or draught. (Baba Metzia 107-b).

ת"ר י"ג דברים נאמרו בפת שחרית מצלת מן החמה ומן הצנה ומן הוויקין וכ"ו. (בבא מציעא ק"ו, ב).

The Talmud advised that "Honey and all kinds of sweet things are bad for a wound." (Baba Kamma 85 a).

שדבש וכל מיני מתוקה קשין למכה. (בבא קמא פ"ה, א).

They probably had in mind diabetes.

Until one is forty eating is more advantageous than drinking. After that age the rule is reversed. (Sabbath 152 a).

„עד ארבעין שנים מיכלא מעלי מכאן ואילך משתי מעלי." (שבת קנ"ב, א).

The Talmud taught that it is dangerous to leave foodstuffs exposed overnight. "He who eats peeled garlic or peeled onion or shelled eggs or drinks diluted liquors, any of which had been exposed overnight does so at his own risk." (Niddah 17.a).

ה' דברים הן שהעושה אותן מתחייב בנפשו ודמו בראשו האוכל שום קלוף ובצל קלוף וביצה קלופה והשותה משקין מזוגין שעבר עליהם הלילה. (נדה י"ז, א).

A fish diet is considered by the Talmud to be very healthful. "He who makes a habit to eat small fish will not suffer with indigestion, more than that, small fish make a man's whole body strong." (Berachoth 40.a).

הרגיל בדגים קטנים אינו בא לידי חולי מעיים, ולא עוד אלא שדגים קטנים מפריין ומרביין כל גופו של אדם. (ברכות מ, א).

For healing of various infections in the mouth as well as for the cleansing of the teeth, the Talmud prescribes the use of salt, pepper, cinnamon, ginger and cloves.

"A woman goes out of the house with a grain of pepper or salt in her mouth; or with whatever else she is accustomed to keep in her mouth (meaning ginger or cinnamon), the former to keep away bad odor of breath and the latter to serve as a remedy for the toothache." (Sabbath 65.a).

"יוצאה אשה בפילפל ובגלגל מלח, בפילפל לריח הפה, גלגל מלח, לדורשינו, וכל דבר שנותנת לפה, זנגבילה אי נמי דרצונא." (שבת ס"ה, א).

We find that the Rabbis of the Talmud understood the great importance of chewing the food, and that to enjoy and get the full benefit of a good meal one must have good teeth. Rabbi Heena makes that point clear:

"Rabbi Heena says, 'As soon as one's teeth are drawn one's food is decreased.'" (Niddah 65 a).

אמר ר' חיננא בר שלמיא משמיה דרב, כיון שנתקו שניו של אדם נתמעטו מזונותיו." (נדה ס"ה, א).

The Rabbis of the Talmud taught the great value of mouth hygiene, for even without the modern knowledge of bacteriology and the aid of the microscope, they were keen observers of its significance, for Rabbi Yochanan says, "It is better to make one's friend's teeth look white than to offer him a glass of milk." (Kethuboth 111.b).

„דאמר ר' יוחנן טוב המלבין שינים לחבירו יותר ממשקתו חלב." (כתובות קי"א, ב).

The shedding of tears exercised the minds of the Rabbis of the Talmud, and their physiological reflection on lachrymation is very quaint.

"There are six kinds of tears, three useful (good) and three harmful (bad); those provoked by smoke or grief or constipation are bad; and those provoked by fragrant spices, laughter and aromatic herbs are good." (Sabbath 151-152).

„שש דמעות הן, שלש יפות, ושלוש רעות, של עשן ושל בכי ושל בית הכסא, של סם ושל שחוק ושל פירות יפות." (שבת קנ"א, א, קנ"ב).



The use of toothbrushes was highly recommended by the Rabbis of the Talmud, for the prevention of tooth decay. Scaling the neck of the teeth or the removal of "toothstone" was also advised by means of scraping or pricking at the deposit. (Kiddushin 24 b). "לחתור לו שיניו", (קידושין כ"ה, ב).

The Rabbis of the Talmud have taught that these six possess medicinal virtue: Cabbage, lungwort, beet-root, water and certain parts of the offal of animals, and some also say little fishes. (Abodah Zorah 29 a).

"ששה דברים מרפאין את החולה מחליו ורפואתן רפואה, ואלו הן, כרוב ותרדן ומי סיסין יבישה וקיבה ויותרת הכבד, ויש אומרים אף דגים קטנים". (עבודה זרה כ"ט, א).

The danger of overeating is stressed here by the Talmud.

"Withdraw from delicious and tasteful food, so as not to overfeed thyself." (Gittin 70).

"סעודתך שהנאתך ממנה, משוך ירך הימנה". (גיטין ע).

The Rabbis advise that the morning meal is nourishing and strengthening. "Sixty men may pursue one who has eaten his morning meal, and they would not be able to catch him." (Baba Kamma 92).

"שיתין רהוט ולא מטי לגברא דמצפרא כרך". (בבא קמא צ"ב).

Rabbi Chaninah said, "The warm baths and oil treatments my mother gave me in childhood, benefit me in my old age." (Chullin 24).

"אמר רבי חנינא חמין שסכתני אמי בילדותי הן עמדו לי בעת זקנותי". (חולין כ"ד).

Rabbi Chaninah tells how beneficial baths and oil massages were, in keeping him fit in his old age, because of good circulation and keeping his skin clean and healthy.

## THE TALMUD ON JURISPRUDENCE

WHEN we speak of jurisprudence, we speak of that social science that treats of the nature, origin and development of the law. The Rabbis of the Talmud were concerned with establishing and applying fundamental principles. Their method differed from the Common Law, they differed chiefly in deriving law either from a "natural law" or from a command of some "sovereign." Talmudic jurisprudence differs from both "natural law", and "positive" or "analytical" jurisprudence in being inductive rather than deductive. The genius of the Talmudic teachers lay in gradually ameliorating conditions in the law by elevating the ideas of the Deity.

The Jewish people possessed from the earliest times a set of customs which gradually became a "Common Law," or body of unwritten legal principles for deciding disputes. Tradition said unwritten law was given to Moses on Mount Sinai in addition to the Ten Commandments and so passed down by word of mouth through the Elders and the Prophets to the "Scribes" who flourished about the time of the Second Temple and later. Numerous decisions were given upon these laws, and as the religious, civil and criminal law all had the same divine origin all these decisions or judgments, the reasons for the decisions, and the names of the judges were treasured up with zealous care. This "law" had grown to enormous dimensions taxing the memory of the ancients, so Rabbi Johudah in 190 A. B. reduced all the "law" to writing, into codes dividing it under six heads, mentioned in the previous chapters.

The Talmud says that both parties to a suit, should receive the same consideration and treatment by the judge, and should not be shown the slightest partiality. The Talmudic rules are as follows: "It is the duty of both litigants to stand during the trial. If the judges wish to permit the two of them to be seated they may do so; but it is forbidden to permit one only to be seated. Nor is it

allowed for one to speak at length and the other to be held to be brief." (Shebuoth 30.a).

„איזהו אסור שלא יהא אחד עומד ואחר יושב, אחד מדבר כל צרכו ואחר אומר לו קצר דבריך." (שבועות ל' א).

"A judge is forbidden to listen to one party before the arrival of the other." (Shebuoth 31 a).

שלא ישמע דברי בעל דין קודם שיבא בעל דין חברו ת"ל „מדבר שקר תרחק." (שבועות ל"א, א).

The procedure at the trial differed in criminal and civil cases, as follows: Civil cases were tried by a Court of three judges. Criminal cases by a Court of twenty-three. Civil cases may open with defense or the claim; criminal cases must open only with the defense. In civil cases the judges may revise the verdict, either in favor of the defendant or the plaintiff; in criminal cases they may revise the verdict to acquit but not to convict. In civil cases a majority of one is sufficient to find for the defendant or the plaintiff; in criminal cases a majority of one acquits but two are needed to convict. In civil cases all judges may argue for the defendant or the plaintiff; in criminal cases they may all argue for an acquittal but not for a conviction.

Civil cases are tried during the day and decided at night; criminal cases may be decided the same day if the verdict is not guilty, but the following day if the verdict is guilty. (Sanhedrin 32-a).

## PROCEDURE

The Talmud describes the procedure in the trial of a civil case as follows: In examining the witnesses, they were brought into court, instructed and charged, they were then sent out with the exception of the oldest among them. The judges inquired, "How do you know that the defendant owes money to the plaintiff?" If he answers "He himself said to me, 'I owe him money', or a certain person informed me of the indebtedness", his evi-

dence is worthless, unless he is able to testify, "The defendant admitted in our presence, i. e., in the presence of himself and another person, that he owed him a certain amount. After that, his second witness is brought in and examined similarly. If their statements tally, the judges proceed to discuss the case. If two find him liable, and one not liable, then he is held liable. If one should declare him not liable and one liable—even if two declare him not liable or liable—and one judge says he does not know how to decide, then the number of judges is increased. The reason for this procedure is because he was in fact being tried by only two judges, and a decision must be given by three judges or more.

After a person has been found liable, if he can produce new evidence within thirty days, the court has the power of setting aside the verdict. (Sanhedrin 29-a; 31-a).

## MURDER AND MANSLAUGHTER

In the sixth commandment in the Bible we find the prohibition against the killing of human beings "לֹא תרצח," The common law defines "Murder" as an unlawful homicide with malice aforethought; if the killing however was without malice, it was considered "Manslaughter." This I believe is derived from the Bible, for the Bible says that if the killing was not premeditated the slayer might flee to a city of refuge "ערי מקלט," The cities of refuge were in charge of the Levites. They were for the manslayer that he "may flee thither which killeth any person unawares." ואשר לא צדה וה' אנה לידו, ושמתו לך מקום אשר ינום שמה (משפטים י"ג).

There were three cities beyond the Jordan and three in the land of Canaan. The case is put of two men felling trees and the axe flying off the helve; in such case the killer shall flee to the city of refuge and live. In this connection the avenger of blood appears. He is the one who is acting for the kindred and carrying out the blood



feud or law of self-help. By the custom he was able to kill the slayer wherever he found him.

The law was later rationalized by a consideration of intention and by the nature of the weapon, if iron or a hand weapon of wood. The killer in case of the use of a deadly weapon, was a murderer and should be put to death. This in the law today is a presumption of malice from the use of a deadly weapon. If the slayer kill out of a malice or by lying in wait he is a murderer, but if he kill suddenly with malice (which is manslaughter in the law of today) or cast anything upon the deceased without seeing him, or accidentally, and was not his enemy, nor sought his harm, the congregation of the city of refuge shall deliver the accused out of the hand of the avenger of blood and there in the city of refuge he shall stay until the death of the high priest כהן גדול But he must stay in the city of refuge. If he comes out he may be killed.

After the death of the high priest, the slayer can return to his own land—a sort of “statute of limitations”, but the event of a high priest’s death was one that the entire public would know. According to the Talmud there was the system of the composition or satisfaction given by the slayer for the killing, so from those Biblical laws of murder we have derived our present day laws, first, our murder or premeditated malicious killing; second our manslaughter upon a sudden quarrel without malice; and, third, accidental killing. In regard to circumstantial evidence, the Talmud tells us, it was never accepted, however convincing. Only the witness who saw the crime actually committed was permitted to testify. The Talmud cites an example of testimony which was not considered admissible: “We saw the accused run after a man who was pursued and who entered a store on account of him, and the accused entered the store after him; there we saw the man slain and the sword, dripping with blood, in the hand of the murderer” (Tosefta Sanhedrin VIII.e). It follows, therefore, that no charge could be sustained

unless the actual commission of the crime was seen by two men of repute. According to Talmudic law it was necessary for the offender to be warned by the witnesses, that the deed he was about to commit was a crime. The purpose of the warning was "to distinguish between one who acts in error and one who acts deliberately." (Sanhedrin 8, B).

„שלא ניתנה התראה אלא להבחין בין שוגג למייד." (סנהדרין ח, ב).

We find also in Talmudic law, that the accused can refuse to give evidence against himself. The rule was "A man cannot incriminate himself." (Sanhedrin 9, B).

„אדם קרוב אצל עצמו ואין אדם משים עצמו רשע." (סנהדרין ט, ב).

When the death sentence was pronounced, the condemned criminal was given a grain of frankincense in a cup of wine so that his sense should become numbed. However, there was great reluctance to resort to capital punishment and every endeavor was made to avoid it.

## BAILMENTS

Bailments in Talmudic law are divided into four classes. Gratuitous bailee שומר חנם Bailee for reward שומר שכר Borrower שואל Hirer שוכר Their undertakings are as follows: The gratuitous bailee agrees to guard the bailment with reasonable care, and is liable for the want of care which every prudent man would under the circumstances take of his own property. This want of due care is called פשיעה (Peshiah). The bailee for reward undertakes to guard the bailment personally and continually, and is liable as soon as he deprives the bailment of his personal protection, if it be stolen as a result of this neglect, even though it was kept in good custody. Bailment of a borrower, he is held to be liable for loss from whatever cause even in the case of an accident since the bailment is for the benefit of the bailee alone. Bailments of a hirer where chattels are lent to the bailee to be used by him for care. His liability is the same as

that of a bailee for reward. The Talmud limits the liability of the bailee to the following cases, negligence, quasi-accidents and inevitable accidents, and states as follows: "The gratuitous bailee is liable for negligence only; the bailee for reward and hire also for quasi-accidents, the borrower even for inevitable accidents. (Baba Metzia 94 B).

„ארבעה שומרים הם, שומר חנם, והשואל, נושא שכר והשוכר, שומר חנם, נשבע על הכל, והשואל משלם את הכל, נושא שכר והשוכר נשבעין על השכורה ועל השכוייה ועל המתה ומשלמים את האבירה ואת הגניבה." (בבא מציעא צ"ד, ב).

We find that the Talmudical definition of a Bailment is almost identical with the Common Law. Bailment is a delivery of a thing on a condition, expressed or implied, that it (i. e., the identical thing delivered) shall be restored to the person delivering it, or dealt with according to his direction as soon as the purpose for which it has been delivered has been fulfilled.

The bailment called in Jewish Law פקדון (Pickadon) comprises not only the depositing but also the hiring and borrowing of chattels, and the bailee known as the Shomer is not entitled to make use of the bailment, unless he be so authorized by the owner of the thing bailed.

## CONVERSION

According to the Talmud "Conversion" consists in the doing an act, by the bailee, that would be lagally recognized to vest ownership in the acquiring party in the case of bargain and sale. It consists in the taking possession of the bailment by lifting it up or drawing it away from its place with the intention of either appropriating even a part of it or using it in such a way that would decrease its value. If the use of the bailment does not in any way decrease its value, then only the actual use, and no other acts, makes the bailee liable. The view of the school of Hillel is that the mere intention of the bailee to take a bailment for himself, even when he

makes such a declaration before witnesses, does not constitute conversion. However, the school of Shammai hold that mere words conveying the intention of conversion are sufficient. The Talmud in Tractate Baba Metzia 39 discusses the following question. If the bailee removed the bailment for its greater safety, and, while being removed it was accidentally destroyed, or if the removal was neither for his own benefit nor for the benefit of the article, but because he needed the place where the bailment was deposited, this is not regarded as "שלוחת יד," Conversion, for he had no intention with reference to the bailment itself, and therefore he is not responsible for accidental loss but only for negligence. But if, after having been so removed an accident happens to the bailment, whether the bailee is liable or not depends on whether or not there was originally an express contract between him and the bailer to keep the bailment in a particular place. If the contract had so stipulated and he removed the article, he is liable, as he performed an act incompatible with his contract, his conduct *ab initio* was wrong in changing the assigned place, he himself increases his liability, the accident being a direct result of his act. If, however, the bailer had not assigned a specific place for the keeping of the bailment, the bailee is not responsible if it had been destroyed by accident after it had been removed, for he had not broken his contractual obligation by removing it.

## AGENCY

The Jewish law of "Agency" known as "שלוחת" "Shelichut." The principal is called "משלח," "Meshalayah" and the agent is called "שליח," "Sheliah." Modern law makes a distinction between general agents and special agents, the first applying when the agent has authority to act for his principal in all matters, the second applying when the agent is authorized to act for his principal only in a single, specific transaction. The Talmud, however, makes no such distinction, and also states that



in legal essence there is no difference between the relation of master and servant and that of principal and agent. The theory of agency is founded upon the principle that what a man may do himself, he may do through his agent, or as the Talmud directly states, "A man's agent is like himself" "שלוחו של אדם כמותו" (Kiddushim 41 B). meaning that one who acts through the agent is in law regarded as if he does the act himself, and that relation is created in three ways, (1) by mutual agreement, that is when the principal authorizes the agent to do a certain act for him, and the latter accepts by express words or by the performance of the authorized act; (2) by estoppel, that is causing others to believe that he is acting with authority. The Talmud gives the following example of creating an agency by estoppel.

"When A in the presence of B says to C:—'I am B's agent' and B remains silent, B will afterwards be estopped from denying A's agency." (Kiddushim 45 B).

(3) By subsequent ratification, that is where the principal ratifies the act of one who acted as his agent without authority or exceeded his authority, the ratification thereby gives full legal effect to the act and will be equivalent to a prior authority.

## WILLS

In the Tractate Baba Bathra בבא בתרא we find the various procedures regarding wills. The following are some examples of the Talmudic ideas of wills. If a person died, and a will were found tied to his body, it is not a valid document, although from its position there is no reason to suspect it was a forgery. The reason being that the law requires the delivery of the testamentary document. If a man willed his estate to his son (to take effect after death), he is unable to sell it because it has been bequeathed to his son, nor is the son able to sell it, during the father's life time, because it is under the control of the father. If the father sold it, then it is sold

only to the time of his death, and if the son sold it, the purchaser has no right to it until the father's death. If a man wills his estate to his children, he must insert the words, "From to-day and after death." The Talmud refers here to a case where a man is about to re-marry and wishes to secure his property for the children of his first marriage. Although Rabbi Jose declares it to be unnecessary because the date of the will shows the intention, and that opinion is adopted by the Talmud. The order of succession is as follows: a son takes precedence of a daughter, and all issue of a son takes precedence of her. A daughter takes precedence of the brothers (of the deceased) and all her issue take precedence of them. The brothers (of the deceased) take precedence of the brothers of his father. This is the rule, whenever a person takes precedence, his issue takes precedence next in order, but a father takes precedence of all his descendants. Son and daughter are alike in the matter of inheriting, except that a son, if the first born, takes a double share of the father's estate, but not of the mother's, and daughters are maintained from the father's estate, but not from the mother's.

The Talmud is not a code formulated by a legislative body, nor does it, of its own volition, decree the law. It derives its authority solely from the Scriptures, and the interpretation of the Biblical words is its principal interest. Of course, the scribes and Rabbis created by legislation and by equity new provisions to meet new conditions, but they were always centered about the Bible.

It is indeed difficult to treat the legal topics of the Talmud because the legal subjects treated in the Talmud are not systematized and arranged in certain parts, but scattered throughout volumes and their pages, the reason of course being, that the Talmud is not a code of general legal principles, but rather a compilation of discussions of detailed and specific cases of law and comprises many

other subjects. However, following the legal discussions in the Talmud, one must marvel at the legal insight possessed by these ancient sages.

## DIVORCE

Primarily the grounds of divorce are limited to only three grounds of "scandalous things" (a) unchastity; (b) violation of the laws of Moses; (c) violation of Jewish customs of decency. This was based on the passage of the Bible, "And it came to pass that if she find no favor in his eyes, because he hath found some scandalous things in her, he may write her a bill of divorcement and give it to her hand, and send her away out of his home." (Deut. XXIV. 1).

„והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר כריתות ונתן בידה ושלחה מביתו." (דברים כ"ד, א).

The husband however may forgive his wife any violation which might be ground for divorce except adultery. Another ground for divorce was an unbearable disease. A childless marriage was a mutual ground for divorce. The bill of divorce—"Get" גט, was of course the important document which released the sacred bonds of matrimony. This today is not given unless a civil divorce is produced first. There are in all ten essential conditions to be complied with before the woman is considered divorced and free to remarry. They are (a) consent; (b) the act must be a written instrument; (c) it must contain a clear statement that she is divorced and completely asunder from him; (d) its subject must be exclusively relating to the severance of connection between both; (e) it must be specifically in her name; (f) nothing should be wanting at its completion except delivery; (g) it must be delivered to her; (h) the delivery must be in the presence of two or more witnesses; (i) at the delivery it must be known to her that it is a bill of divorce; (j) the delivery must be made either by the husband himself or by his

duly appointed proxy. After the wife receives the divorce, she must wait ninety days to remarry; this because of the possibility of pregnancy.

## CAPITAL PUNISHMENTS

There were four kinds of capital punishment decreed by the court of justice: stoning, burning, beheading and strangling. As soon as sentence of death was pronounced and the prisoner led to the execution, one official would stand at the door of the court of justice with a flag in his hand, and another was stationed on horse-back at such distance as to be able to see the former. If, meanwhile, one comes and declares before the court, "I have something further to say in defense of the prisoner,"

„אומר אחד יש לי ללמוד עליו זכות."

the man at the door waves the flag, and the official on horseback rides forward and stops the procession. Even if the prisoner says "I have something to plead in my defense"

„ואפילו הוא אומר יש לי ללמוד על עצמי זכות,"

he is brought back, even four or five times over, provided there is something of importance in his deposition. If the evidence is vindicating, he is discharged; if not he is led to the execution. As he proceeds to the place of execution, a public crier goes before him and proclaims, "So-and-so, the son of so-and-so, goes to be executed because he has committed such-and-such a crime, and then he gives the names of the witnesses. Let him who knows of anything in his defense come forward and state it."

„וכברו יוצא לפניו איש פלוני בן פלוני יוצא לסקול על שעבר עבירה פלונית, ופלוני ופלוני עדיו, כל מי שידע לו זכות יבא וילמד עליו."

When about ten yards from the place of execution, the condemned is called upon to confess his guilt. (Sanhedrin 43-b).

„היה רחוק מבית הסקילה כעשר אמות אומרים לו התודה." (סנהדרין מ"ג, ב).



We find some very interesting cases in the Talmud regarding judges disqualifying themselves to act in certain lawsuits. The Talmud tells us that Shemuel was crossing a river in a ferry-boat, a man took hold of his hand to prevent him from falling. "What," said the Rabbi, "have I done for you, that you are so attentive with your services?" "I have a lawsuit coming up before you," the man replied. "In that case," said Shemuel, "your attention has disqualified me from judging in the lawsuit." (Kesuboth 105 B).

„כי האי דשמואל הוה עבר במכרז אתא ההוא גברא יהיב ליה ידיה אמר ליה מאי עבדתך אמר ליה דינא אית לי אמר ליה פסילנא לך לדינא."  
(כתובות ק"ה, ב).

Rabbi Ishmael had a gardener, every Friday he would bring a basket of grapes to the Rabbi. Once the gardener brought it a day earlier. When the Rabbi asked him the reason, the gardener replied, "Having a lawsuit coming up before you to-day, I thought by so doing I might save myself the journey to-morrow." Hearing this, the Rabbi refused the grapes though they were really his own, and refused to sit as judge in his case. He, however, appointed two Rabbis to judge the case in his place, and while they were studying the evidence in the case, he kept walking up and down, and saying to himself, if the gardener was clever, he could defend himself with this statement. At one time the Rabbi was almost on the point of speaking in defense of the gardener, when he checked himself and said, "The receivers of bribes may well look to their souls. If I feel partial who have not even taken a bribe of what was my own, how perverted must the deposition of those become who receive bribes at the hands of others." (Kesuboth 105 B).

„אמר תיפח נפשם של מקבלי שוחד, ומה אני שלא נטלתי, ואם נטלתי שלי נטלתי כר, מקבלי שוחד על אחת כמה וכמה." (כתובות ק"ה, ב).

We find a similarity in our law to-day when we speak of "disqualification" of a judge by reason of his interest in the case, and of a juror by reason of his holding a fixed preconceived opinion.

## TALMUDIC SAYINGS

THE TALMUD is the slow growth of several centuries; it consists of 2,947 folio pages, containing almost every branch of wisdom, an encyclopedia of Jewish literature. I will attempt to give you a few examples of the "Sayings of the Rabbis," in a few of the pearls taken from the jewel box of Jewish wisdom—the Talmud.

We find that the "Sayings of the Talmud" were sort of half-enigmatic phrases. It seems that the Rabbis liked to express their thoughts in short phrases and sayings—that it left room for study to the listener, and called forth his mental activity before its meaning could be clear, was regarded as a gain rather than a loss.

„אדם מועד לעולם." (בבא קמא ג, ב).

"Man stands forewarned". (Baba Kama 3 B). The Talmud teaches that Judaism holds every human being answerable for his actions, for he is not a piece of machinery, acting blindly, but that he exercises his own free will and chooses his way in life with his eyes open. The Rabbis of the Talmud therefore say that "Man stands forewarned." He can choose, and if he chooses wrongly he does so on his own responsibility. Providence rules the universe on a preconceived plan but everyone is free to carry out his task in his own way, for which he will have to render an account. It is only because we believe a man to be a free agent that he can be punished for his wrongdoing and rewarded for his good acts. Once you deprive man of his free will, you destroy the whole code by which civilized humanity is guided.

„אסתירא בלגינא קיש קיש קריא." (בבא מציעא פ"ה).

The Talmud in Mesichta Baba Metzhah, 97, says:  
"One coin in a bottle makes a loud noise."

Here the Talmud means to say, when an ignorant man acquires a little knowledge he is prone to boast of

it, however, a man of learning is modest in spite of his learning and acquirements. Great is the power of modesty; great is the power of silence. Think of the silence of the giant forest. The greatest forces of nature are modest and silent—let them teach you to be modest in your speech. Boasting will show that you are a person of very little knowledge.

„אל תכנס לביתך פתאום כל שכן לבית חבירך. (פסחים קי"ב).“

In Mesichta Pesachim, 112, the Rabbis say: “Do not enter your house suddenly, let alone the house of your friend.”

This saying teaches us not to enter the house suddenly, for that is the way of a spy. Also the people inside might become frightened at your sudden entrance, and you surely have no right to enter your friend's house suddenly. It will show the lack of manners; the Talmud teaches us to cultivate the habit of intelligent tact.

The Talmud in Mesichta Sanhedrin, 39, says: “A man's thigh becomes diseased through itself. ירך מתוכה.,” (סנהדרין ל"ט). The Rabbis meant to inform us that evil which befalls man is not of God's wishing, but the result of his own misdeeds. You are largely what you deserve to be. You receive what you deserve to get. Honor and happiness come by right attention. If evil befalls you, don't blame God, but rather subject yourself to a rigid self-examination and if you will be sincere in your self-judgment, you will realize that God is not to blame but yourself.

„אין הקומץ משביע את הארי, ואין הבור מתמלא מחוליתו. (ברכות ג).“

In Mesichta Berachoth, 3, we find the following saying: “A grasshopper does not satiate a lion, and a ditch cannot be filled with its own earth.

Here the Talmud infers that a nation cannot exist economically upon its own resources; it must import and export goods. A nation cannot isolate itself from other nations, because man was created to lead a social life

and not the life of a recluse. It is your opportunity and privilege to take a place in this world brotherhood of earnest and willing workers, and thereby to contribute your share to the world's betterment. Here we are taught to believe in the democratic way of life.

„אין אדם נוקף אצבעו מלמטה אלא אם כן מכריזין עליו מלמעלה." (חולין ז).

In Mesichta Chulin, 7, the Talmud says: "No man hurts his finger here below, unless the order is given above."

The Talmud tells us here that nothing happens by mere chance; even a seemingly insignificant occurrence is ordained by Divine Providence.

„בתר רישא גופא אזיל." (עירובין מ"א).

We find in Mesichta Erubin, 41, the following saying: "The body follows the head."

The Talmud here intended to reprove the public official or leader committing any wrong, for he sets a bad example to his followers. Personal example of high thinking and right living is one of the greatest services you can render your fellow man, especially if you are a public leader. A great responsibility therefore rests upon you to make the most of yourself. It is impossible, says the Talmud, to estimate the far-reaching effects of a leader's exemplary life.

„אל תבריה עצמך מן המכס." (פסחים קי"ב).

In the Mesichta Pesachim, 112, the Rabbis say: "Let no man attempt to dodge the tax."

Here the Rabbis advise that one should observe the laws and ordinances, and be loyal to the government and country in which he dwells; if a tax is imposed upon him, he should not dodge but pay his just share.

In Mesichta Berachoth, 53, they say: "The soldiers do the fighting, and the generals are the heroes."



„גולירין יורדין ומתגרין במלחמה וגבורים יורדים ומנצחים." (ברכות נ"ג).

Here the Rabbis inferred that many a man labors with the sweat of his brow, while another enjoys the fruit of his labor.

„גמלא אולא למבעי קרנין אודני דהויה ליה גזיון מיניה." (סנהדרין ק"ו).

In Mesichta Sanhedrin, 106, the Rabbis say: "The camel went around begging for horns, and his ears were cut off."

They meant to say that there are people not satisfied with the wealth they honestly acquired, and to add to their wealth by dishonest methods, they are liable to lose all. The Rabbis taught the way to annihilate this evil is to realize that it has no power to confer happiness upon one. Instead one should realize that the only real, enduring, joy-giving power is honesty and goodness, and that through right thinking one can be wholly emancipated from dishonesty—for wealth acquired dishonestly will in the end be lost or taken away.

„בא זכר בעולם בא ככרו בירו... נקבה אין עמה כלום." (נדה ל"א).

In Mesichta Niddah, 31, the Talmud says: "The male comes into the world with a loaf of bread in his hand, while the female enters the world empty handed."

In this saying the Rabbis of the Talmud bring out the thought that a man has more possibilities and a greater chance of earning a living than a woman.

„אבב חנואתא נפישא אחי ומרחמי, אבב בזיוני לא אחי ולא מרחמי." (שבת ל"ב, א).

The Talmud in Mesichta Sabbath, 32.1, says: "At the door of the rich there are many brothers and friends, but at the door of the poor there is neither brother nor friend."

Here the Talmud speaks of what we call today "Fair-weather friends." True friendship is not based on selfish bargaining. True friendship expresses itself in

interest, sympathy and good will. In the degree that you are ready to serve sympathetically and help without thought of gain or reward, in such degree will you build enduring friendship.

„מה ברזל זה אחד מחדד את חבירו אף שני תלמידי חכמים מחדרין זה את זה בהלכה." (תענית ז).

In Mesichta Taanith, 7, the Talmud says: "As iron sharpens iron, so do students sharpen each other's mind."

The Talmud advises students to study together, because they will benefit from the exchange of ideas.

„תלמידי חכמים שעוסקים בבנינו של עולם כל ימיהן." (שבת ק"ד).

The Talmud says in Mesichta Sabbath, 114: "The wise are called builders of the age, for they engage in building up the world all of their days."

In this saying the Talmud refers to the social association of men, teaching the principles of brotherly love, charity and mutual aid, known to-day as "Free-Masons."

„חותמו של הקב"ה אמת." (שבת נ"ה).

The Talmud in Mesichta Sabbath, 55, says: "The Seal of the Lord is Truth."

„רחילא בתר רחילא אזלא כעובדי אמא כך עובדי ברתא." (כתובות ס"ג).

The Talmud in Mesichta Kethuboth, 63, says: "The sheep will follow one another, as the mother acts so acts the daughter."

Here the Talmud teaches that personal example of high thinking and right living is one of the greatest services parents can render to their children. For unconsciously they influence the lives of their children, hence a deep responsibility rests upon them to make the most of themselves at all times.

If a peasant be made king, he would not take the basket off from his shoulder." (Megillah 7).

„אי חקלאה מלכא ליהוי דיקולא מצואריה לא נחית.״ (מגילה ז).

In this saying the Talmud expresses the idea that many a habit forms involuntarily; the peasant being in the habit of carrying his basket on his shoulder would not take it off even if he became king. Habit has been well described by the Rabbis as a cable weaving only a thread at a time, but at last so strong that it can not easily be broken—and have advised that one should eliminate in himself every weak and undesirable habit, and instead deliberately develop the supreme habits which make for true greatness in life.

„דרא ביה כולא ביה דלא ביה מה ביה? דא קני מה חסר? דא לא קני מה קני?״ (נדרים מ״א).

“He who possesseth knowledge possesseth everything. If he has not knowledge, what has he then? He who acquires knowledge what other valuable thing could he have gained?” (Nedorim 41). The Talmud believed that intellectual culture is not for self-satisfaction or ostentatious display, but for increased sufficiency, usefulness, and achievement—that the use one made of his mental powers would have a vital influence upon his further development, so they advised that the time one gave to self-culture and knowledge would be a profitable investment.

„דברים היוצאים מן הלב נכנסים בלב.״ (ברכות ק״ב).

“Words that come from the depth of the heart enter directly into the heart.” (Berachoth 102).

This teaches us the power of “Truth” that words coming truly from the heart will enter the heart—its effect will be felt, for there is nothing that will bring so much satisfaction and permanent benefit as a profound study of truth. The greatest influence for good that one can wield in the world is by personal example. Therefore the Rabbis taught, “Let your best self be expressed in your speech, manner and personality that you may be a

constant help and inspiration to others. The truth and integrity of your message will carry conviction and persuasion to your hearers." In this saying the Talmud teaches that "truth" transcends all material possessions, since it is eternal. For truth to be of real significance to us must be something more than theory; it must be a vital, personal, demonstrated power in our daily life—the vital step to the apprehension of truth is to desire it sincerely and earnestly, for it is the Seal of the Lord.

„טבא תרי מתלת, ווי לה להרא דאזלא ולא אתיא." (שבת קנ"ב, א).

"Two are better than three. Alas! for the one that goes and does not return." (Sabbath 152 a). As in the riddle of the Sphinx, the "two" here stands for youth with its two sufficient legs, and "three" for old age, which requires a third support in a staff.

„לא כל אדם זוכה לשתי שלחנות." (ברכות ה, ב).

"Not every man deserves to have two tables." (Ber. 5 B). The meaning of this Talmudic saying may either be that it is not given to every one to make the best of the present world and of that which is to come or that all men are not able to succeed in more enterprises than one at a time.

„מלה בסלע משתוקא בתרין." (מגילה י"ח, א).

"If speech is worth one sela (a small coin so called), silence is worth two." This Talmudic saying is similar to the motto "Speech is worth silver; silence is worth gold." There are many sayings in the Talmud regarding "Silence," for it found great favor with the Rabbis. They believed it the best remedy for all evils.

„בתרי גוריין קטלוה לאריה." (סנהדרין צ"ה, א).

"With two dogs they caught the lion." (Sanhedrin 95 A).

This saying expresses the idea that the majority rules, and that a minority, be it ever so strong, must give



way to a majority. We find the same idea expressed in another saying in the Talmud.

„תרי אודי יבישי וחד רטיבא אוקרין יבישי לרטיבא." (סנהדרין צ"ג, א).

Given two dry fibrebrands and one piece of green wood, the dry will set fire to the green." (Sanhedrin 93a)

„טור תלג סחרוני גלידין כלבוהי לא נבחין טחנהוי לא טוחנין,"  
 (שבת קנ"ב, א).

"The mountain is covered with snow, the surrounding paths are icy, the dogs do not bark any more, and the millstones grind no more." (Sabbath 152 A). These are the words that Rabbi Joshua answered Ceasar when he inquired why the Rabbi did not attend the debating classes. "The mountain is covered with snow"—meaning his head was gray, "the dogs do not bark any more"—meaning his voice was inaudible, "the millstones grind no more"—meaning his teeth were out of order.

„לא המדרש העיקר אלא המעשה." (אבות א, י"ז).

"Practical righteousness is preferable to study" (Abboth 1, 17). This saying expresses the thought that deeds are more important than knowledge. It is the use one makes of his studies that will influence one's further development. Intellectual culture is not for self-satisfaction but for increased usefulness and practice. The Rabbis taught that it is not enough to study and know about Jewish law but to practice it in daily life. To be true to your high calling of a תלמיד חכם a student of the Torah, you must have a heart of humility and gratitude, and be ready to serve; a sincere desire to live a holy and devout life, to put your studies into practice and service. Where true righteousness is, and desire for service, there you will find greatness of heart and sincere love of God.

„כל המחזיר על הגדולה, גדולה בורחת ממנו." (עירובין י"ג, ב).

"Whosoever runs after greatness, greatness flees from him." (Erubin 13 B). The world instinctively

distinguishes between the worthy and unworthy; to win recognition one must show one's worthiness. The Talmud speaks of the man who desires to impress others with his greatness so that they should bestow honor upon him, but he who runs after honor, honor likewise flees from him. Honor comes only to those who do not look for it. The Talmud advises man rather to seek greatness in daily living, intention, conduct, and effort in actual doing of the things which are implied by greatness, that is, an alert mental attitude toward opportunity for noble service. It is doing promptly and gladly the duty of the moment, without thought of special recognition and the reward of honor; for greatness of life emanates from greatness of thought.

„אל תתן דאגה בלבבך, כי רבים הרגה הדאגה" (בן סירה ל, כ"ח).

"Do not allow thy heart to worry, for worry has caused the death of many. (Ben Sira 30, 28). We cannot afford to indulge in worry, since it is an extravagant habit. It costs much, while it produces nothing by way of useful results. Nine-tenths of the things worried about never happen. Worries are principally of two kinds: of things you cannot help, and of things you can help. If you cannot help them, worry is obviously unavailing and useless. If you can help them, intelligence would indicate that you take definite steps to remedy them. In most cases, if the thought and time spent in worry, anxiety and regret were directed to earnest effort in improving present conditions, the useless worry would disappear of itself. The Rabbis believe that worry is not a necessary evil, but valuable energy misdirected. Therefore the Rabbis advise not to permit your heart to worry, for it has caused the death of many.

„אדם נותן פרוטה לעני זוכה ומקבל פני שכינה." (בבא בתרא י).

"If one gives a pruto (a coin of very little value), he is rendered meritorious to behold the Divine presence." (Baba Bathra 10).

The Talmud here expresses the thought that one should give charity out of the fullness of the heart, in the same spirit of the supreme giver—God who gives life to all his creatures. One should give, not with expectation of return or gratitude, but because it is right to give; for there is no greater joy in life than to render happiness to others by means of intelligent giving. By acquiring and cultivating the habit of generous, sympathetic and unselfish service, one is rendered meritorious to behold the Divine presence.

„ברא כרעא דאבוה." (ערובין ע, א).

“A son is the knee of his father.” (Erubin 70 A). The Talmud compares the son to the knee, because through the knee, a person becomes tall or short. By bending he becomes short; by straightening he becomes tall. So can a son by his deeds and actions make his father tall—bring him honor and joy, or make his father short—bring him disgrace and sorrow. The Talmud also teaches that by translating our fine sense of aspiration into actual daily deeds do we grow toward our ideal; for we have been created to be good and when we fully realize and apply the truth of our divine heritage, do we bring happiness and honor to ourselves and to our parents.

## TALMUDIC LEGENDS

## HILLEL THE ELDER

**T**WO MEN—we are told in the Talmud—were quarreling in Jerusalem. “Now or never!” said the one, “four sus (a coin worth a Roman denarius) to the man who should put Hillel out of temper.”

“Done!” exclaimed the other.

It was a Friday afternoon, and Hillel was washing and combing his hair for the Sabbath. At this unreasonable time, and without addressing him by his becoming title, some one before the door shouted: “Is Hillel here?”

He (Hillel) wrapped his mantle around him, came out and said: “My son, what is your desire?”

“I have a question to ask,” replied the coarse fellow.

“Ask, my son,” said Hillel.

“Why have the Babylonians such unsightly round heads?” asked the man.

Hillel said: “A very important question indeed did you ask, my son. The reason is because their midwives are not clever.”

An hour later the man returned and shouted, “Where is Hillel? Where is Hillel?”

Hillel threw on his mantle and went out and said to him: “What is it, my son?”

“I want to ask a question,” the man replied.

“Ask, my son,” he said.

“Why have the Thermudians such narrow eyelids?”

“An important question, my son,” said Hillel. “Because they live in sandy country.”

Again the man went away, and in another hour’s time he returned as before saying: “Where is Hillel? Where is Hillel?”

He threw on his mantle and went out to him and said to him: “My son, what is it?”



He replied: "I wish to ask a question."

"Ask, my son," he said.

"Why have the Africans such broad feet?"

"Indeed a very important question, my son," said Hillel, "Because they live in a marshy land."

The man then said to Hillel, "I have many more questions to ask, but I am afraid lest I only try thy patience and make thee angry."

Hillel, drawing his mantle around him, sat down, and said to him: "You can ask as many questions as you wish."

"So," said the man, thoroughly disarmed, "Art thou Hillel whom they call a prince in Israel?"

He replied, "Yes."

"Well," said the man. "I pray there may not be many more in Israel like thee."

"And why, my son?" said Hillel.

"Because," said the man, "I have lost four hundred sus on thy account."

"Calm thyself, my son," replied Hillel, "Better that thou should lose four hundred sus, and four hundred more for Hillel's sake than that Hillel should lose his temper."

The Talmud in Yuma, 35.2, tells this story about Hillel.

About fifty years before our era, the following occurred at Jerusalem. Shemaiah and Abtalion, the most celebrated teachers of that age, spent on a certain occasion the whole of the night from Friday to Saturday in directing the studies of a large number of disciples. Shemaiah said to Abtalion: "Dear brother Abtalion, it is usually light in our school by day; it must be cloudy this morning to be so dark!"

As they looked up, however, they discovered that there was something in the shape of a human being before the window. They climbed up, and found a man actually buried in the snow, which had fallen during the night. It was Hillel. They took him out of the snow, put him into a bath, rubbed him with oil, and brought him near a fire, for they said: "He is worthy that for his sake we should break the Sabbath."

But how came Hillel to be found thus placed before the window? This Hillel was a son of a poor exiled family in Babylon. He and his brother, Shemaiah, had gone to Jerusalem—the one to try his fortune in business, the other to satisfy his thirst for knowledge at the great national seat of learning. In order to carry this into effect, he engaged himself as a day laborer, and earned a *tropaicon* a day. (This was the Greek name for the Roman *victoriatus*, a small coin worth half a denarius, upon which the image of Victoria was stamped).

One half of his daily earnings had to suffice for the maintenance of his family, the other half he paid as fee for admission to the college, the institution over which Shemaiah and Abtalion presided. One day, however, he failed in obtaining the fee and was not allowed to enter the college. Favored by the darkness of the night he climbed up to the window late on Friday evening, and placed himself so that he could see and hear everything. But unable long to brave the cold and ceaseless December snow, which sometimes falls in Jerusalem, he was with difficulty resuscitated the following Sabbath morning. (Yuma 35.2).

### RABBI JOSHUA

Th Emperor Trajan once said to Rabbi Joshua: "You claim that your God is everywhere, then why can I not see him? I would believe in God if I could only see him." The Rabbi replied, "Yes, God's presence is everywhere, but no mortal eye can behold His glory."

The emperor insisted that he must show God to him. "Well," said Rabbi Joshua, "suppose we try to look first at one of His ambassadors." He went outside with the Emperor and told him to look directly at the sun—"I cannot," said the Emperor, "the light is too strong for my eyes, the light dazzles me." "So you are unable to look at the sun, you are unable to endure the light of one of God's creations, then how do you expect to behold the great light—the glory of the Creator? Would not such a sight annihilate you!" "You are right," said Trajan, "I admire your great wisdom." (Hullin 59-b; 60).

### RABBI ELEAZAR BEN R. SIMEON

Rabbi Eleazar ben R. Simeon was traveling home. On his way he met a misfeatured and unshapely person, who greeted the Rabbi saying, "Peace be upon thee, Rabbi." R. Eleazar noticing the stranger's deformity, and by way of a joke, said to him, "Are all the inhabitants of thy town as misshapen as thou art?" The stranger, astonished at R. Eleazar's lack of manners, and provoked by the insult, replied, "I do not know, but you should make these inquiries of the great Artist that made me." The Rabbi immediately perceiving his error, alighted from his horse and threw himself at the stranger's feet, begging his pardon, and pleaded that he forgive him for his great sin. But the stranger refused, saying, "Go first to the Artist who made me and tell him, Great Artist what an ugly vessel thou hast produced!" As they both arrived at the city, the inhabitants gathered to welcome the great Rabbi Eleazar. "Why do you honor this man?" asked the stranger. "May Israel not produce many like him." As he related to them what had happened, the people pleaded with him to pardon the Rabbi, for he was a great man well-versed in the law, and the greatest of men can make a mistake. They persuaded the stranger and he forgave him, explaining that his long refusal had no other object than that of impressing the impropriety on the Rabbi's mind. Rabbi Eleazar thanked him, and

justified the conduct of the stranger by saying that though a person should always be as flexible as a reed, and not as stubborn as a cedar, yet insulting a person is such a great crime, that one cannot expect to be pardoned easily. (Taanith 20).

### RABBI JOSHUA BEN HANANIAH

Rabbi Joshua tells the following story. In my life no one ever put me down but a woman, a girl and a boy; you ask how I was put down by a woman—I came to an inn, where the landlady gave me a meal of beans and bread. I ate the beans leaving nothing in the dish. The second day she again gave me beans and bread and again I ate leaving nothing in the dish. On the third day she brought me the same dish again but as she had put too much salt into the beans I could not eat them and so I ate but the bread. She said, "Rabbi why do you not eat the beans?" "I have dined once already," said I. "Then," she said, "why did you eat the bread? Is it because you did not leave anything in the dish yesterday or the day before, that you leave all today?" Let me remind you of the old saying, that a man eating, should always leave something in the dish.

This is how I was vanquished by a little girl: Once, while traveling, my way led me through a field. I had not gone far when a girl met me. "Rabbi," said the girl, "Do you know that you are trespassing on a private field?" "I am walking on a worn path," I replied. "Yes, evil-doers like yourself have worn this path in our fair field," she said.

And this is the way I was put down by a little boy. One day, near a city, I came upon a little boy. "Which is the way to the city?" I asked him. "This way here is short and long, and the other way is long and short," he said. I took the way which was 'short and long' and soon came within sight of the city. But to my sorrow, I found my way had led to a private garden which was surround-



ed by a high hedge, and I was forced to return. "My son," said I to the boy, "did you not tell me that the road was short?" "I did," said he, "but, Rabbi, I told you also that it was long." I kissed the head of the boy and said, "Hail unto Israel, it is a sage people from the highest to the lowest." (Erubin 53).

### RABBI AKIVAH

Rabbi Akivah was once traveling through the country, his possessions consisted of the following: a donkey, a rooster, and a lamp. At nightfall he reached a village where he sought shelter for the night without success. "All that God does is for the best," said the Rabbi and proceeding toward the forest, he decided to stay there overnight. He lit his lamp but the wind extinguished it. The donkey and the rooster were devoured by wild beasts. But all that Rabbi Akivah said was, "All that God does is for the best." Next day he learned that a troop of the enemy's soldiers had passed through the forest that night. If the soldiers had seen his light, or heard the donkey bray or the rooster crow, he would surely have met with death, therefore, said Rabbi Akivah "All that God does is for the best." (Berachoth 60).

### RABBI JUDAH THE PRINCE

The Roman Emperor Antonius once said to Rabbi Judah, "It is easy for men to evade judgment for sin after death. The body can plead 'It is the soul that sinned, for since it has left the body it has been sinless, stainless and fine'; Rabbi Judah replied: "I will answer you by a parable. A king placed two guards in his garden, one blind and the other lame. The lame man said to the blind, 'I see delicious fruit; carry me to it and we will eat.' So the blind man carried the lame man to the fruit and they ate the stolen fruit. When the king came and asked the guards for the missing fruit the lame man said,

'Could I walk and steal it?' and the blind man said, 'Have I eyes to see it?' But the king put the lame man on the shoulders of the blind and punished them as one man. Even so the Lord will again put the soul within the body and judge them together as they have deserved." (Sanhedrin 91-a).

The King Artaban sent Rabbi Judah a jewel as a gift, the prince returned a scroll of Scripture (a Mezzuza in a metal case). The king was surprised and sent him a message. "I have given thee a jewel of great worth, and thou sendest me a thing of less value than the case that holds it." "No," replied Rabbi Judah, "Thou has sent me a gift which I must guard, but I have sent thee one which will guard thee, as it is written, 'It will guide you wherever thou goest.'" (Jerusalmi 89).

### RABBI MEIR AND HIS WIFE BERURIAH

The Talmud tells of the great domestic misfortune which befell Rabbi Meir and wife. Their two learned sons were accidentally drowned. It was on a Sabbath day and Rabbi Meir was teaching in the school. Beruriah, in her grief, would not interrupt his duties. She covered the bodies of her sons with a sheet on the bed and awaited her husband's return at sunset. He inquired about the boys. She told him they had gone out to college. She brought the wine to him for the "Havdolah" prayer, which is said at the close of the Sabbath day. After the prayer, he again inquired about the boys. "They are in the house, not far," was the wife's answer, and after finishing his meal she said, "I would like to ask a question. Some time ago one gave me a treasure which he now wants returned, shall I return it?" "Surely, return it," said Rabbi Meir. "But," Beruriah urged, "I have grown to love this treasure, and I simply cannot part with it." "Things entrusted to us are sacred," said the Rabbi. "They must be returned when demanded. If not, it is a sin." "Must I not repine against him who gave the treasure?" she

asked. "Certainly not," replied the Rabbi. "Come then, my Lord, and I will show the treasure to thee." She led him to the room and removing the sheet from the bodies of her sons, said: "See the treasure that He who gave hath demanded back." Rabbi Meir cried and said, "My sons, my sons, I was your father and your teacher, but you are now my Masters in the law." "Remember," said Beruriah, "the treasure must be returned." Rabbi Meir then said, "The Lord hath given them to us, the Lord hath taken them away, blessed be the name of the Lord. (Erubin 52).

### RABBI GAMALIEL

An Emperor said to Rabbi Gamaliel, "Your God is a thief, as the Bible states, 'And the Lord God caused a deep sleep to fall upon Adam, and he slept. And he took a rib from Adam.'" The Rabbi's daughter asked her father's permission to answer the Emperor, and said, "Last night robbers broke into my room, and stole a silver vessel, but they left a golden one in its stead." The Emperor replied, "I wish that such thieves would come every night." "That is just what happened with Adam," explained the Rabbi's daughter. "God took a rib from him, but placed a woman instead of it."

### RAV HUNNAH AND RAV NACHMAN

Rabbi Hunnah visited Rabbi Nachman. When the latter asked his name the reply came, "My name is Rabbi Hunnah." Rabbi Nachman then invited him to sit down on the sofa, with which he at once complied. He was then offered a glass of wine which he at once accepted and emptied the contents in two sips in front of the company. His host then asked him the following questions: (1) "When you were asked your name, why did you invest yourself with a title and call yourself 'Rabbi' Hunnah instead of simply Hunnah?" The reply came, "I am



called so from my childhood." (2) "Why, when invited to take your seat on the sofa, did you sit down without having the modesty of taking a less distinguished seat?" (some disciples were seated on the floor). "It is surely good manners to do the host's bidding," he replied. (3) "Would it not have shown better manners had you waited to be asked twice before you accepted the wine?" "This," Rabbi Hunnah replied, "might have been the case had it been offered me by a less distinguished host, but it would have been contrary to good taste had I not accepted the glass of wine at once offered me by so great a man." (4) "Why, then, have you emptied the glass in two sips?" Rabbi Hunnah replied, "He who empties the glass in one sip may be looked upon as a drunkard, the man who drinks it in two portions shows good manners, but he who makes three sips of a glass of wine manifests arrogance." (5) "Why have you not turned your face away from those present when drinking?" "That," he answered, "would be more becoming a blushing bride than a man."

We find another Rabbi giving a different answer regarding the drinking of wine. Rabbi Ishmael, son of Rabbi Jose, on paying a visit to one of his friends was offered a glass of wine which he took and drank down in one gulp. On being asked whether he does not agree with the axiom of the sage who said that one who empties his glass in one draught manifests greediness, Rabbi Ishmael replied, "This doctrine does not apply to such a small glass, such excellent wine, and to the immense space for storing away drink than I have." (Pesachim 86).

### RABBI ISAAC NAPCHA

Rav Ami and Rav Assi were in social conversation with Rabbi Napcha, when one of them said to him, "Tell us some legend," and the other said, "Explain to us some point of law." When he began the legend he displeased the one, and when he proceeded to explain a point of law



he offended the other. To illustrate the position they placed him in, he gave the following parable. "I am like the man with two wives, the one young and the other old. The young one plucked out all his gray hairs, so that he might look young, and the old wife plucked out all his black hairs so that he might look old; and so be-between the one and the other he became bald. So it is with me between you." (Baba Kamma 60 B).

### RABBI SIMON BEN YOHAI

Rabbi Simon, to illustrate his saying that those who do not restrain a man from sin should be equally punished, tells this tale: "A ship was crowded with passengers, each in his place. Suddenly one of the passengers became angry and began to bore through the vessel's side. The other passengers saw his work and asked what he meant. "It is not your business," said the man, "You have your places and I have mine. I have paid for it. Can I not do as I like with my own?" "Not so," the passenger said, "for your deed will destroy us all with you." The waters will come on us as well as on you." "Thus," said Rabbi Simon, "if one man in a city sins and is not restrained, the other people of that city must share in the punishment of his sin." (Lev. Rabbah IV, 6).

There is another story told of Rabbi Simon when holding court in the city of Sidon. A man applied to him for a divorce on the ground that the Jewish law granted him a right of divorce, since no child was born to them during ten years of married life. The Rabbi disliked to separate them and pleaded with the husband to change his mind, but to no avail.

The Rabbi advised them to make a feast, and to be joyful once more as on their wedding day, and he will then grant them a divorce. So they did, and as they were rejoicing a sudden feeling of regret filled the heart of the husband. After all they had been very happy together, and but for the desire to have children, he had no cause to send her away. But since he must divorce

her, she should at least not leave his house like a beggar; she should have anything her heart desired. So he said to her, "Choose the dearest object in my house and it shall be yours." She then gave him some more wine to drink and he fell asleep. Thereupon the woman carried him to her father's house. When he awoke, she said to him, "I complied with your wishes; I took from your house the one object I hold dearest on earth—you, my husband." Obviously the Rabbi had been at work to the happiness of both husband and wife. (Midrash Rabba to Canticles I, 4).

### RABBI YOCHANAN BEN ZAKAI

At the time of the siege of Jerusalem, Rabbi Yochanan counseled with his disciples and at the meeting it was decided that he go to the Roman general and plead for the people. The order was that all those that attempted to leave the city would be slain. So Rabbi Yochanan caused a rumor to be spread of his sudden sickness and, later, of his death. He instructed his disciples to put him in a coffin and carry him out of Jerusalem into the Roman camp. The announcement of the Rabbi's death caused universal sorrow. The Rabbi's disciples carried the coffin to the Death Gate, which opened only for funerals. When the funeral procession approached it was stopped at the gate. The Captain asked, "Whose body have you here?" The disciples answered, "We are carrying the body of our great Master, Rabbi Yochanan." "Maybe you are taking away a living traitor. I will make sure he is dead," said the captain, as he raised his lance to strike at the shrouded form of the Rabbi. "Do not dishonor the body of this saint, it would be a great sin," cried the disciples. The captain, touched by their sorrow, ordered the procession to pass through. The Rabbi then pleaded with the general, Vespasian, bringing him the news of Nero's death, and that he (Vespasian) would be asked to the throne. "What is your request?" asked Vespasian. "Give me protection in the city of Yabne and let me open a school for the study of the Torah." The

Rabbi's request was granted and from Yabne went forth the law as well as from Zion. It spread over the world, and no power has been strong enough to stop its progress. (Gittin 56).

Rabbi Yochanan lost his young son, and his heart was filled with grief. His disciples came to offer consolation. One asked the Rabbi to recall the great sorrow that had been endured by Adam when he saw the body of his murdered son. Another disciple asked the Rabbi to consider the great suffering of Job. But the Rabbi replied, "I appreciate your trying to console me, but how can my sorrow and grief be lightened by thinking of other men?" Then came Rabbi Eleazar ben Arach and said, "Listen, Rabbi, what happened. A certain man was requested to watch over a valuable jewel, and he fulfilled his duty, guarding it day and night. When the owner came to take the valuable jewel back, the man rejoiced, for no longer would he have to fear for the jewel. So it is with you, my teacher, you should rejoice when you have given your son back to God, who trusted you with him, since you have returned him in his innocence as when you received him. And Rabbi Yochanan said to Rabbi Elazar, "You have spoken wisely, and your words alone have consoled my soul." (Abboth di Rabbi Nathan, Ch. 14). As Rabbi Yochanan's end was drawing near, his disciples visited him and found him trembling and in great fear. They asked him, what caused his great fear. The Rabbi said, "My children, if I were to appear before a human judge to plead for my life, would I not tremble? And a human judge may be swayed by words and favor, but the judge before whom I must soon appear cannot be deceived, therefore do I tremble." The disciples then asked him for a last blessing, and he blessed them saying, "May your fear of offending God be as great as your fear of man." "What more?" the asked, and he said, "If a man seeks to please God as eagerly as he seeks to please men, he will never commit a sin." The Talmud justly said of Rabbi Yochanan, that with his death the light of wisdom was turned off. (Sotah 49).



## RABBI AKIVAH

Rabbi Akivah began life as a herder of cattle in the employ of Kalba Shevua, one of the wealthiest men in Jerusalem. He was forty years old before he conceived the thought of any higher career in life. His inspiration came in a romantic way. Rachel, his master's only daughter fell in love with him and they became engaged. Her father, hearing of it, threatened to disinherit her, if she did not break off the engagement. Rachel, however, was willing to exchange the mansion of her father for the cabin and bed of straw of her husband, and, although food was often lacking to the couple, they were happy and devoted. On one occasion Rachel cut off her hair and sold it to buy bread for their support. Akivah appreciated his wife's devotion and cried out in transport, "I will yet buy thee a golden city for this when I am wealthy, as I shall be." She prevailed upon her husband to leave her for a while in order to enter a certain college in a distant land, for she felt sure that his talent would be recognized and he would some day become a great Rabbi. On his way to the college he began to harbor misgivings in his mind as to the wisdom of his step to seek an education at his age, however, an incident determined the mind of Akivah to a life of study. One day at a resting place a waterfall arrested his attention, and he remarked how the water by its continual dropping was wearing away the solid rock, he applied the lesson to himself. As the water worked itself into the rock, so may the law, he reasoned, work its way into my hard and stony heart, and he felt encouraged and pursued his journey. In the college and under the tutelage of Rabbi Eliezer and Rabbi Joshua, he rose step by step until he became the professor of the Academy. After twelve years he returned to Jerusalem accompanied by a large number of disciples. As Akivah was about to enter the dwelling of his devoted wife, he overheard a gossiping neighbor calling her "a living widow," that her husband deserted her on the pretext of going to college. He heard his wife answer, "Love



is strong, it endureth forever. I would even urge him to stay away twelve years more if it would only benefit him." Akivah was about to enter and confound the gossiping neighbors, but a consideration entered his mind. "If I go in," he said, "I shall not be able to part again from my wife for any motive; yet my work is not done. When I become head of the Sanhedrin of Israel, I shall return never more to separate from her." So he left to continue his studies and later became famous as a prodigy of learning throughout Palestine. He now fulfilled his promise and returned to his wife Rachel to have her share the benefits of the exalted position he had gained. The crowd that gathered around the popular hero in the village, was so dense, that Rachel could not get through it when she tried. A man was pushing her back when Akivah saw him and stayed his hand. "Lay not a hand on her," he said, "for all that I am and all that you are through me is due to this woman, my loyal and devoted wife Rachel." (Nedarim 50; Kethuboth 62).

## TALMUDIC PARABLES

## TORAH AND LIFE

**A**N OLD LADY came to a certain Rabbi and said to him, "I am already too old and henceforth my life will be a burden to me. I want to die; how can I find death?" The Rabbi asked her, "How did you reach your advanced age, by what means?" She replied, "I am learned in the Torah, moreover, even if I am engaged upon something which is most dear to me I leave and go to the synagogue every day." The Rabbi said, "Withhold thyself from the synagogue for three days consecutively." She did so; and on the third day she died. (Yalkut Ekeb 871).

The meaning of the parable is as follows: The old woman typifies the Community of Israel, privileged to grow old through attachment to the Torah and the Synagogue. Should Israel desire to get rid of the burden of old age, then the way of death is simple and speedy—abandonment of the Torah and neglect of the Synagogue.

## THE LION AND THE STORK

"A lion had swallowed a bone which stuck in his throat; he promised to reward anyone who would extract it. A stork came and with his long beak extracted the bone from the lion's throat. When the stork requested his promised reward, the lion said, "Go forth and tell the people that thou hast come away from the lion's throat unharmed."

## THE HISTORY OF CREATION

"I have thought of the history of creation. I have found that there is not the width of a hand between the upper waters and the lower as it is written (Gen. 1, 2). "And the spirit of the Lord hovered above the waters," and it is written (Deut. XXXII, II) "As the eagle flut-tereth above the nest." (Tosep'tah Haggigah).

By this parable Ben Zoma expressed the thought to Rabbi Joshua that "there is no system nor preparation in the camp of Israel—all is chaos, while the Romans are well organized, ready to strike. The Talmud further states that the Rabbi's remarks refer to a band of warriors who pass through a hollow way; on one side is fire, which if it touch, will burn them, and on the other side is a bank of snow, which will stiffen their limbs, meaning, that if they fight the Romans now, they will be defeated; because the Romans are like burning fire; but in view of their sad condition, inactivity will lead to stagnation.

### THE FOX AND THE GRAPES

"Once a fox saw a beautiful garden, with lovely trees laden with grapes, he wanted to get in and eat some of the delicious grapes. He found an opening in the gate but it was too small for his body to penetrate. So he fasted three days, and reduced sufficiently to get through. He filled himself with the fruit and then attempted to get out, but he was too fat. Afraid the master might catch him, he fasted for three days in order to be able to crawl through the opening and make his escape. He then made the following farewell address: "Garden! garden! you are charming and delightful, your fruits are delicious—but of what benefit are you to me? What have I now for all my labor and trouble? Am I not as lean as I was before?"

This parable teaches that it is the same with man. Naked he comes into the world—naked must he go out of it; and of all his toils and labor, he can take nothing with him, except the fruits of his righteousness. (Koheleth Rabba V-15).

### THE TIRED TRAVELER AND THE DATE-TREE

"A man traveling all day in a desert, found himself very hungry, thirsty, and tired, when suddenly he came to a date tree, watered by a small rivulet. He enjoyed the shade of the tree, ate its delicious fruit, and drank

the refreshing water. Grateful for these unexpected blessings he thus addressed his benefactor: "Tree, O tree, what blessing can I give you? Shall I bless you with large branches, refreshing shade and a stream to moisten your roots, you are already blessed therewith, so the only thing I can wish you is that everyone of your shoots, wherever they be planted, may flourish like you."

This parable was given by Rabbi Isaac when Rabbi Nachman, his learned and rich friend, asked for a blessing. In like manner said Rabbi Isaac, "What blessing can I give you?" Learning, wisdom, riches and a happy family you already have. I can therefore only wish that all your descendants may be blessed like you." (Taanith 5-B).

### THE FOX AND THE FISH

"A fox walking by the side of the river, observed the fish rushing to and fro in a great hurry, being curious, he inquired why they were so agitated and in such a hurry. They replied that they were trying to avoid the nets and snares of the enemy. The cunning fox advised them to come along with him on the dry land and dwell together in safety. The fish answered, that it is foolish advice, for even in our native element we are beset with so many dangers, how much more so on dry land, an element contrary to our habits."

This parable or fable addressed to Pappos by Akiba when the former advised him to abandon the Jewish religion and to conform with the Roman edicts. Said Rabbi Akiba, "It is even so with us, even by following the law partially we have so much oppression, what do you think would happen to us if we abandoned it entirely?" (Berachoth 61-B).

### A BOOK AND A SWORD

The Talmud says, "When God gave the Torah on Sinai, there came down from the Heavens 'A Book and a Sword'—bound one against the other, as if wrestling, to see which would be victorious. And a Heavenly voice



was heard to cry, 'Choose one or the other.' If you choose the book, life will be yours, if you choose the sword, death must be yours." (Aboda Zorah 17 B). This simple legend tells in clearest fashion of the struggle of civilization. It was the book versus the sword. It was Mind versus Brute Force. It was not an accident that the first acts committed by the Nazis, after they came to power was to burn books. It was the old struggle reenacted, the sword against the book. The Nazis thought that by burning the books, you can burn and destroy human thought. How little do they understand the workings of history! They chose fire, destruction, symbols of death as their way of life. We take our stand on the side of thought, feelings, ideals and symbols of life, where truth and beauty and justice dwell, enshrined upon the throne of a just God. For the sake of the book symbolizing civilization and freedom, we shall take the sword in our hands in order to destroy the sword; we shall fight a war to promote peace and good will among nations.

## TALMUDIC FABLES

## THE KING AND HIS TWIN BROTHER

A king had a twin brother, who in appearance looked just like the king. This brother left his home and became a robber. The king who knew not that the robber was his brother, ordered his soldiers to capture and hang him in the public square, as a warning to all who might be tempted to follow unrighteousness.

The people thought the body was that of the king. They said to one another, "The king is hanged! The king is hanged!" Then the king heard, and he ordered to take the body of his brother and bury it from the sight of men.

This parable was related by Rabbi Meir, known as the "Great Speaker of Parables", to bring out the point that God finds no glory in the shame of His erring children; nor can a Jew find honor in the disgrace of his brother.

Rabbi Meir was generally strict, even to harshness, in speaking of those who scorned studies and gave themselves up to sensual pleasures. The above parable told by him after the death of his sons, and when domestic sorrow came upon him, illustrates the change; his utterances took a milder form and breathed a more charitable spirit. (Sanhedrin 46).

## THE SERPENT'S ARGUMENT

The serpent's tail once said to the head: "On all our journeys you always lead and I, like a servant, must follow behind. From now on I will lead." The head gave the serpent his chance, and the tail led the way and became entangled among briars and thorns, causing intense pain to the whole body. Not content, it still

persisted in keeping the lead, until it crept into a fiery furnace. The head hastened to afford its friendly aid, but it was too late, the tail was already consumed, and the fire reached the vital parts of the body, and the head was involved in the general ruin.

This parable was related by Rabbi Joshua ben Levi to illustrate this important truth, that as long as the lower orders submit to their leaders, all is well; but when the leaders submit to or are swayed by the opinions of the lower orders, they will surely fall together. The serpent's head was destroyed because it let itself be guided by the foolish tail that had neither eyes to see nor brains to avoid the dangers. Such will be the fate of the higher orders should they permit themselves to be swayed by popular prejudices. (Deut. Rabba I).

### THE MOTIVE AND THE ACT

The Rabbis of the Talmud say that children may give their parents the finest capons to eat, yet will inherit Gehinnom, and others will make their parents grind at the mill and will inherit Gan-Eden (Paradise).

To illustrate the first kind, they relate the following: A certain son provided for his father, and one day brought him a fine capon. "My son," said the father, "where did you get this fine capon?" The son replied, "Old man, eat, chew and don't ask any questions." This son will inherit Gehinnom, although he supports his parent, for of what use is the best of food when it is thus mixed with insult?

To illustrate the second type the Rabbis relate the following: A certain son obtained his poor living by grinding at the mill and maintained his aged father with all that he possessed. One day the officers of the king came to take the men staying home, to do the hard labor for the king. The son told his father to take his place at the mill, and he would go and do the hard labor, for he

thought, "should the tyrants insult and maltreat, better be it that I should be insulted and maltreated than my beloved father." Now this son, although he put his father to work at the mill, will inherit Paradise, for it is the motive behind the act that really counts. (Kidushin 31).

### THE LAW PLEADING BEFORE GOD

The Fifth Book of Moses (i. e., the written law) appeared before the throne of Mercy. It pleaded its cause: "King Solomon has destroyed my power over the people by his contempt of me. The law forbids the king to have many wives, yet King Solomon has taken so many. It forbids to buy up vast stores of gold or of silver, yet Solomon is insatiable for gold and silver. It says the king shall not keep many horses, yet he keeps large numbers of horses. Even as a man's testament loses force when part of it is made void, so am I made void among the people since the king has broken part of my precepts."

But the Lord comforted the Book and said, "Solomon and hundreds like Solomon shall pass away, but not a jot of the law shall pass or be forgotten. This parable was related by Rabbi Simon ben Yohai in urging the strict observance of those regulations which rested on the Jewish law itself as ardently. Rabbi Yochanan stated that if all the people would but keep two Sabbaths as the law commands, their salvation would be at hand. (Levit. Rabba 19; Sabbath 118).



## THE INFLUENCE OF THE TALMUD

THE influence of the Talmud on the Jewish people has been remarkable; it has promoted their solidarity and helped considerably to maintain religious ideas and ideals among them.

At a time of national upheaval and disruption when so much of the Mosaic law had lost its application, the Talmud infused new life into the religious code and thereby provided for continuous intellectual development.

The Talmud was no exclusive possession of the few. All could become sages if they had the brain and the soul-power. It was a real tonic and preservative for the Jew in his dark and troublesome days.

In widely separated lands the Jew has studied those interesting pages of the Talmud. Its spirit kept alive his faith and gave him the strength and courage to endure persecution. It was not physical strength or endurance that carried him through all the sufferings and sorrows, but the intellectual force which he drew from the Talmud, from Hebrew learning. When all around threatened destruction, he asked the advice of the Rabbis of old, from the pages of the Talmud. Their answer was, "Learn, endure, and pray." Without the Talmud, the light of which illuminated the darkness of two thousand years of wandering, the Jew could not have shown a history which is the grandest expression of tragedy the world has ever known.

I believe that no inspired work contains more interesting, more varied or more valuable information than the Talmud.

Without the influence of the Talmud the Jew could not have endured his ages of martyrdom, for it was the power of the Talmud which fortified his soul. It was the light of the Talmud which illuminated the darkness of

two thousand years of the Jews' wandering. If the Jewish people have survived the persecution and the tyranny of their fellow-men, if they have borne the moments of sorrow and despair in the dark ages, it is because they had faith; because they read the written word and believed its promises. And the book that contained the elucidation and reassertion of these promises was the Talmud.

As I now complete my book, "A Guide to The Talmud," I wish to say that the study of the Talmud has proved a grateful and not unrewarded task to me, as I wandered for years through the beautiful mazes of the Talmud. I found in it figures in shining garments, prayers of deep devotion, noble benedictions that echo in the ancient tongue. I found sentiments of lofty courage, of high resolve, of infinite tenderness, far-seeing prudence, falling from the lips of venerable sages and Rabbis, in that wonderful Jewish monument of human wisdom and human philosophy—The Talmud.





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